

Then he dropped his depth charge. "Recently, however, reports came to our attention that members of the pharmaceutical industry in Colombia—who were offering their products under trade names—had started attempts to block or to slow the generic program in Colombia and to interfere with its extension elsewhere.

"At first, we were ready to discount much of this as healthy competition. More and more, however, we grew alarmed at the extent and severity of the concerted attack against the generic program."

Mr. Nolen then made these accusations:

Doctors were advised that it was impossible to produce quality pharmaceuticals at the prices being offered. These doctors received a sizable amount of literature attacking generic drugs. Some of this literature originated in the United States.

"Pressure on medical journals"—Colombian medical journals consistently refused McKesson advertising, while at the same time they carried "extensive and distorted articles and editorials critical of generic drugs."

"Refusal to sell activities"—the campaign against generics "has even involved the cutting off of supplies necessary for the continuing success of the generic program—that is, the refusal of certain pharmaceutical manufacturers to sell us raw materials useful for the generic program." Mr. Nolen made it clear that some of these firms are U.S. drug manufacturers and licensees.

"Interference with extension of the generic program"—There are reports from other South and Central American countries that strong efforts were being made to stop generic drug programs in those countries before they got started.

Serious charges by the respected head of one of the Nation's largest corporations.

Made, June 25, they are still being bounced back and forth between various Government agencies and congressional committees.

Industry argued that:

(1) The disclosure of the matters called for would gravely injure the U.S. pharmaceutical industry in its Latin American operations and would endanger all private foreign investment in the area; (2) industry was working toward solutions of its own problems; (3) the balance of payments would be hurt if overseas drug profits were cut, and (4) industry produced its records for the subcommittee, the information contained in them might be inimical to the foreign policy of the United States.

After the executive session, the Foreign Relations Committee advised Senator Kefauver that the investigation should be conducted either by the Department of Justice or State.

Yet State had already said it couldn't conduct the investigation, and Justice said it could only look into possible violations under existing antitrust laws leaving a wide area unexplored.

There the matter lies.

Unless Senator HART is successful today, the investigation is "for all practical purposes" ended, the Herald Tribune was told.

This spokesman summed it up this way:

"The State Department and AID say they don't have the resources to do an investigation. The Foreign Relations Committee has washed its hands of the matter. The Department of Justice is only interested in pieces of the testimony."

McKesson supporters told the Herald Tribune:

"This is exactly what was designed to happen."

(By William Haddad)

The Senate Anti Trust and Monopoly Subcommittee voted unanimously yesterday to conduct hearings on charges that drug manufacturers are exerting pressures to prevent the sale of low-cost drugs.

The subcommittee chairman, Senator PHILIP HART, Democrat, of Michigan, said the closed-door hearings will begin "as soon as possible."

In the interim, the subcommittee will hear from Herman C. Nolen, board chairman of McKesson & Robbins, who has charged that his company is the target of a concerted and malicious campaign to stop the sale of low-cost drugs in Latin America.

Also to be heard will be the drug manufacturers and the PMA. They deny the charges.

Along with the principals in the dispute, the subcommittee will hear from the Department of State and Justice and the Agency for International Development.

Senator HART said that "on the basis of these hearings, the committee would then be in a position to decide whether to go ahead with a full-scale inquiry, and whether public hearings should be held on the adequacy of existing law to deal with situations of this kind.

"These hearings will also influence the decision as to whether the existing subpoenas should be modified," he said.

Senator KENNETH B. KEATING, Republican, of New York, a member of the seven-man subcommittee, said he joined in the unanimous action "as the fairest method of handling this investigation."

"I am sure the subcommittee will proceed promptly and diligently as outlined by Chairman HART," he said.

After the 90-minute meeting, Senator HART told reporters that some members of the subcommittee wanted to go ahead with the investigation, some wanted to call it off, and others wanted more information before deciding what to do.

He said the subcommittee now lacks information "to take a fish-or-cut-bait attitude."

Previously, over the bitter opposition of Senators HART and Kefauver, the subcommittee voted to turn "for counsel" to the Senate Foreign Relations Committee.

In what was widely interpreted as a defeat for Senator Kefauver, the Foreign Relations Committee conducted its own closed-door hearings and concluded that the investigation should be carried on by the Departments of State and Justice.

(By Martin J. Steadman)

In Venezuela recently, the drug manufacturers' association was advised to "fight the government" because that was easier than opposing the huge American wholesale drug company, McKesson & Robbins, and its low-priced line of generic drugs.

In Bogotá, Colombia, where the McKesson program has its base, the Minister of Health told the nation's Senate he had evidence that rival drug concerns were tampering with the low-priced drugs.

In Costa Rica, the pharmacists association and the largest drug distributor, which exclusively represents five major American firms, vowed to do "everything in our power to see that, through every Central American association, McKesson does not establish in Central America."

In Washington, D.C., a secret meeting was held between representatives of the Colombian drug industry and this Nation's 140-member Pharmaceutical Manufacturers Association. The South Americans urged "an appeal from government to government," and asked that the United States intervene to arrange that only certain drugs be sold generically in Colombia.

What was developing—and is now the subject of a Senate investigation—is a huge commercial war to stop the sale of low-cost lifesaving drugs, some at prices one-tenth the prevailing rates. The prices hinge on the difference between generic and trade names.

The struggle began when Colombia published a decree last year proclaiming a new

generic drug program, and invited all major drug firms to participate. The only American concern to join the experiment was McKesson, which bought a 50-percent interest in a Colombian drug manufacturer, Droguerías Aliadas, Inc.

McKesson marketed 322 pain-killing, life-saving drugs at dramatically low prices. An antibiotic used in treatment of respiratory infections and typhoid sold for 3.6 cents per capsule, compared with the trade name product that sold for 29 cents. An arthritic was able to buy a month's supply of prednisone for \$2 instead of the \$16 it had cost before.

The drug industry in Colombia, which includes 15 American firms, fought back. Early this year, McKesson told Senator Estes Kefauver, chairman of the Senate Anti-Trust and Monopoly Subcommittee, that it was the victim of a "concerted and malicious campaign" to stop the generic program and prevent its spread to other sections of the world, including the United States.

Herman C. Nolen, McKesson chairman, went to Washington to outline his charges that the drug industry was ganging up on his firm, the Nation's largest wholesale drug house.

He testified in secret session before the Senate Foreign Relations Committee on June 25. Mr. Nolen said his company was meeting "organized interference" which seriously endangered the Colombian generic program.

What is behind this violent struggle to prevent the sale of low-price generic drugs?

The late Senator Kefauver may have explained it when he wrote in a letter to the Pharmaceutical Manufacturers Association on July 24:

"Such information as we have now indicates that the main issue is simply the desire of some major American drug companies to continue to sell drugs in Latin America at these exorbitant markups, a willingness on the part of some other American companies to sell at more modest though still satisfactory markups, and certain alleged concerted efforts on the part of the former to prevent the latter from doing so."

The influential and respected Bogotá newspaper, El Tiempo, quoted Health Minister Patino on sales prices to the Colombian public. Dr. Patino cited as an example vitamin B<sub>12</sub>, which costs 21 cents to produce and sells under trademark at \$12 to \$14.

When the generic program began, the price was slashed to \$1.20. Dr. Patino said that the raw material prices charged by the manufacturer to other companies producing generically included the cost of research plus profit.

The Health Minister clearly implied that the trade-name manufacturers could also sell at the \$1.20 figure and still cover their research and development costs, at the same time making a profit.

Dr. Patino was especially resentful, according to El Tiempo, of the failure of the drug manufacturers to bring down the cost to the consumer of B<sub>12</sub>.

"There are cases such as that of vitamin B<sub>12</sub>," he said, "which was quoted in 1961 at \$1,600 per gram, and in 1963 at \$125 \* \* \* its price (to the distributor) dropped 92.1 percent, but the price of the drug to the public did not go down."

#### INTERIM REPORT BY PREPAREDNESS INVESTIGATING SUBCOMMITTEE

Mr. STENNIS. Mr. President, I have before me a copy of the interim report by the Preparedness Investigating Subcommittee on the treaty. I ask unanimous consent that the title page, the letter of transmittal, and pages 1

through 14 of the report be printed in the Record as in the morning hour.

There being no objection, the portion of the report referred to was ordered to be printed in the Record, as follows:

INVESTIGATION OF THE PREPAREDNESS PROGRAM: INTERIM REPORT BY PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, ON THE MILITARY IMPLICATIONS OF THE PROPOSED LIMITED NUCLEAR TEST BAN TREATY (Printed for the use of the Committee on Armed Services)

LETTER OF TRANSMITTAL

U.S. SENATE, COMMITTEE ON ARMED SERVICES, PREPAREDNESS INVESTIGATING SUBCOMMITTEE,

September 9, 1963.

Hon. RICHARD B. RUSSELL,  
Chairman, Committee on Armed Services,  
U.S. Senate.

MY DEAR MR. CHAIRMAN: There is transmitted herewith an interim report by the Preparedness Investigating Subcommittee, appointed under Senate Resolution 75 of the 88th Congress, on the military implications of the proposed limited nuclear test ban treaty.

The interim report deals specifically with the military and technical advantages and disadvantages which flow or might flow from the agreement. The subcommittee reached its conclusions after hearing 24 witnesses over a period of 11 months. Among our witnesses were many of the most informed and knowledgeable people in the Nation upon the military and technical aspects of the proposed treaty.

The subcommittee report is signed by myself, as chairman, and by Senators STUART SYMINGTON, HENRY M. JACKSON, STROM THURMOND, MARGARET CHASE SMITH, and BARRY GOLDWATER. Senator SYMINGTON, however, has filed additional views which are also transmitted herewith.

Senator LEVERETT SALTONSTALL has declined to sign the report, and his dissenting view is likewise transmitted herewith.

Respectfully,

JOHN STENNIS,

Chairman,

Preparedness Investigating Subcommittee.

INTERIM REPORT ON THE MILITARY IMPLICATIONS OF THE PROPOSED LIMITED NUCLEAR TEST BAN TREATY

I. Introductory statement

Since September 1962, the Preparedness Investigating Subcommittee has engaged in a comprehensive and extensive inquiry into the military and technical implications and aspects of the various nuclear test ban proposals.

Although the inquiry was originally directed to the entire field of nuclear test ban proposals from the standpoint of their potential impact upon our military posture and preparedness, the negotiation and signing of the three-environmental nuclear test ban agreement in Moscow caused the subcommittee to focus attention on the potential impact of that treaty upon the future of our Military Establishment and strategic forces.

This interim report is directed specifically to the partial test ban agreement. It deals with the military advantages and disadvantages to the United States which flow or might flow from the argument. Political considerations, and matters involving foreign and international affairs, as such, are not within the scope of this report.

In considering the impact and effect of the proposed test ban it is important to remember that for nearly two decades this Nation has been confronted by an adversary who has openly and repeatedly proclaimed that his dominant goal is to destroy the nations of the non-Communist world. Only

because we have maintained clear military superiority and the ability to inflict unacceptable damage upon him has the would-be aggressor been deterred. The basis of our deterrence is military superiority which, in turn, is based on our nuclear weapons programs and nuclear retaliatory forces.

It is vital to our survival that no step be taken which in any manner would impair the integrity and credibility of our deterrence or degrade the ability of our military forces to protect our security if we should be challenged militarily by a hostile nuclear power.

II. Background and scope of report

The chairman of the subcommittee, in opening the hearings on September 17, 1962, stated: "The Senate Committee on Armed Services has legislative responsibility for the common defense generally and for matters affecting the size composition, and equipment of the Armed Forces. It has a direct and legitimate interest in any and all activities which affect or may affect the development and procurement of weapons and the size and quality of our fighting forces."

He also said: "Since weapons development and testing go hand in hand, we will inquire into the status of our nuclear test activities with respect both to weapons developments and weapons effects. Technical data now available on this question will be considered as well as information relating to our position in this field as compared with the progress of the Soviets."

In the months that have followed the subcommittee has made an exhaustive effort, on a scope and scale which is believed to be unprecedented as far as the Congress is concerned, to obtain complete and full information about the relationship of nuclear testing—in all environments—to the integrity of our deterrent forces and the ability of our retaliatory or second-strike forces to survive and respond to a nuclear attack. During the hearings thus far 2,800 pages of testimony were received from the 24 witnesses who are listed in alphabetical order in appendix A. Most of this testimony involved highly technical discussions relating to the needs and capabilities of our present and future nuclear weapon systems.

The overall objective of the subcommittee in this inquiry has been to develop as impartially, as objectively, and as fully as possible all available military and technical information bearing upon the subject matter so as to insure that the Senate would have available to it essentially the same body of military and technical evidence as is available to the executive branch of the Government in its formulation of nuclear test ban policies and in its weighing of their security implications. This objective has, we believe, been attained. The military, technical, and security problems associated with suspensions of nuclear testing have been identified, explored, and assessed. These problems will be discussed in this report with particular emphasis upon their relation to the treaty banning nuclear tests in the atmosphere, outer space, and underwater.

III. Summary of major findings

1. From the evidence we are compelled to conclude that serious—perhaps even formidable—military and technical disadvantages to the United States will flow from the ratification of the treaty. At the very least it will prevent the United States from providing our military forces with the highest quality of weapons of which our science and technology is capable.

2. Any military and technical advantages which we will derive from the treaty do not, in our judgment, counterbalance or outweigh the military and technical disadvantages. The Soviets will not be similarly inhibited in those areas of nuclear weaponry where we now deem them to be inferior.

3. Admittedly, however, other important factors—such as foreign policy, international

affairs, and relations with other countries—are relevant in an overall assessment of the treaty. These are not within the scope of this report. When they are considered, as they must be, each individual must reach his own judgment about the wisdom and desirability of the treaty on the basis of personal philosophy, past experience, current knowledge, and relative weight which he assigns to the various factors involved.

IV. Comparison of U.S.-U.S.S.R. nuclear weapons programs

In this section we will endeavor from the testimony we have received to compare the nuclear warhead knowledge and state of the art of the United States with that of the Soviet Union. This includes, of course, the important field of nuclear weapons effects.

The criteria we will use are the number of tests conducted within important yield ranges and the yield-to-weight ratio (the explosive energy released per pound of bomb) achieved in the test programs. We will compare the situation prevailing in 1958 prior to the moratorium and that prevailing today.

A. Multimegaton Weapons Capabilities

In 1958, at the onset of the 34-month nuclear test moratorium, the United States had conducted slightly more tests above 1 megaton in yield than had the Soviet Union. Of these U.S. tests, one-fifth were in yield ranges above 10 megatons. No tests had been conducted by the Soviet Union in this high yield category. As a result of this experimental program, the United States held a clear superiority over the Soviet Union in the yield it could achieve in a given thermonuclear weapon throughout the range of deliverable weights.

Following the abrogation of the moratorium by the Soviet Union, the test and performance records altered drastically. In 1961 and 1962 the Soviet Union conducted in yields above 10 megatons twice the number of tests which had been conducted by the United States in that yield range throughout the history of its nuclear test program. The total number of Soviet tests above 1 megaton was approximately four times that conducted by the United States in the same period (1961-62). In terms of yield-to-weight ratios, the Soviet Union, as a result of its aggressive test program and its concentration on very large yield weapons, has demonstrated clearly superior performance in all yield classes above approximately 15 megatons where the United States has had no testing experience since 1954. It is also worth noting that the scientific witnesses were unanimous in expressing uncertainty about the particular designs employed by the Soviets, to achieve the results observed in their very high yield experiments.

B. Low-Megaton and Submegaton Weapon Capabilities

Below a few thousand pounds in weight and a few megatons in yield, the evidence available to us indicates that the United States continues to hold a lead in weapon design and performance.

For a variety of reasons the United States has chosen to concentrate its development efforts on weapons yielding from a few megatons down to fractions of kilotons. Consequently, it probably continues to hold some advantage in design techniques over the Soviet Union in these areas and in the ability to maximize the yield which can be achieved at a given weight and size or, alternatively, to package a given yield in a device of minimum weight and size.

However, the rate of testing below 1 megaton indicates that the Soviet Union is attempting to challenge seriously the U.S. lead in the lower yield weapon categories. Prior to the 1958-61 moratorium the United States had conducted somewhat more than twice as many tests at yields below 1 megaton as had been detected in the Soviet Union. By the

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end of 1962 this ratio had dropped significantly. More important, the 1961-62 Soviet test series included more tests in this yield range than had been conducted in its entire program from 1949 through 1958. Even accounting for tests to assess the effects of explosions and tests to confirm the yield of stockpiled weapons, this constitutes impressive evidence that the Soviet Union has no intention of permitting U.S. superiority in weapon design and performance at yields below 1 megaton to go unchallenged. It is in this range of yields that the testing underground permitted by the treaty can be accomplished readily.

Furthermore, there is a serious question about the adequacy of our knowledge of the nuclear devices employed in the Soviet experiments in the lower yield range. Detection, identification, and analytical capabilities are degraded at the lower end of this yield spectrum, particularly in the low and subkiloton area. Consequently, our confidence in any conclusions concerning the Soviet state of the art in weapons yielding up to a few kilotons is correspondingly low. While we believe that U.S. superiority extends to these very low yield ranges, hard evidence on this point does not exist and, accordingly, we accept the judgment of our Atomic Energy Commission witnesses that while some intelligence exists on which to base an estimate of U.S.S.R. tactical nuclear capability, the dearth of information [does] not permit a comprehensive United States-U.S.S.R. comparison. [For] future developments a credible U.S.S.R. development capability can be made by assuming a capability similar to ours.

#### C. Weapons Effects Programs

Important as are programs associated with the acquisition of new or improved types of weapons, the advent of the missile age and the adoption of a second-strike or retaliatory strategic policy by the United States has elevated to a first priority tests to determine the effects of nuclear explosions on hardened missile sites and control centers, on reentry bodies in flight, and on radar, electronic, and communications systems. Of equal importance have become tests to determine what unique effects are produced by nuclear explosions in space, the atmosphere, and underwater so that the knowledge gained might be exploited for defensive purposes or our own weapon systems designed to resist them.

From the testimony before the subcommittee, it is clear that neither nation has conducted a weapons effects test program of sufficient size and complexity to resolve whatever doubts may exist about the adequacy of the design and the survivability of their nuclear weapon systems; nor has either tested sufficiently to fulfill the needs of their system designers and military planners.

However, the necessity and the motivation to conduct such experiments is clearly greater for the United States than for the Soviet Union. Since the early 1960's, the deterrent strategy of the United States has been based substantially on second-strike missile systems, that is, missile systems which can survive a massive first strike by a nuclear-armed enemy and still retain the ability to retaliate in such force as to destroy the attacker. By the mid-1970's this Nation's nuclear deterrent will probably reside primarily in land- and sea-based missile systems designed to achieve that degree of survivability. To date, only Polaris has been subjected to a full-scale system test, including the explosion of the nuclear warhead. Minuteman, Atlas, and Titan have never been so tested, nor have models of the base complexes of the hardened underground Minuteman and Titan systems been subjected to close-in high yield nuclear explosions to prove the adequacy of their design.

While all of the military witnesses expressed reasonable confidence in the ability of these systems to fulfill their missions, it is clear that some unresolved questions exist and that the absence of adequate design and vulnerability data has necessitated radical overdesign, redundancy, and excessive development and construction costs. Only by atmospheric testing can needed answers be obtained to the important unresolved questions.

However, there is one area of weapons effects knowledge in which the Soviet Union probably holds a distinct lead. By virtue of its large, multimegaton weapon tests, it is prudent to assume that the Soviet Union has acquired a unique and potentially valuable body of data on high yield blast, shock, communications blackout, and radiation and electromagnetic phenomena which is not available to the United States. Furthermore, due to the absence of comparable experiments, the United States is not now in a position to evaluate realistically the military effectiveness of the Soviet 50 to 100 megaton terror weapons.

In the field of weapons effects experiments related to the design and development of an effective antiballistic missile (ABM) system the evidence, although less conclusive, indicates that the Soviet Union in 1961 and 1962 conducted a series of complex high altitude operations which, if properly instrumented, could have provided substantial and important data on various types of radar blackout and nuclear effects. These Soviet experiments were clearly dictated by an ABM development program.

The United States has conducted no experiments comparable in complexity to those Soviet operations and a disturbing number of the U.S. high-altitude-effects experiments which were conducted were compromised either by considerations unrelated to the technical objectives of the test program, by inadequate or faulty instrumentation, or by operational inadequacies. Based on the testimony we have received, there can be little doubt but that the quantity and quality of information available to the United States on high altitude nuclear effects is inadequate for the Nation's military needs.

#### V. U.S. needs for nuclear test

In assessing the merits of the treaty which is now before the Senate for ratification, it is important to understand the kinds and objectives of certain nuclear test programs which, in the opinion of the subcommittee and based on testimony received by it, would be desirable or necessary in any future U.S. nuclear test programs.

The following chart summarizes the subcommittee's conclusions and distinguishes between selected test objectives which can be realized through underground test programs and those which could only be achieved through atmospheric testing.

Test objectives	Can be done under treaty
Survivability and responsiveness of hardened site missile launch complexes to high yield nuclear explosions.	No.
Response of hardened underground structures to blast and cratering from high yield surface burst nuclear weapons.	No.
Response of hardened underground structures to ground motion.	Yes.
Determination of missile warhead and nose-cone vulnerability to nuclear explosions during atmospheric reentry.	No.
Reduction of missile warhead and nose-cone vulnerabilities to nuclear explosions.	Yes.
Study of atmospheric and high altitude radar blackout phenomena.	No.
Study of communications blackout phenomena from high yield nuclear explosions.	No.
Full-scale operational tests of ABM systems.	No.

Test objectives	Can be done under treaty
Development of ABM warhead with maximum lethality and minimum blackout properties.	Partially.
Development of very high yield warheads, equal to or surpassing Soviet achievements.	No.
Determination of very high yield nuclear weapons effects.	No.
Determination of underwater nuclear weapon effects for improved antisubmarine warfare (ASW) systems.	No.
Development of weapons requiring less fissionable material than present designs.	Yes.
Development of pure fusion warheads.	Yes.
Development of reduced fallout weapons.	Yes.
Full-scale performance and reliability tests of Minuteman and Titan missile systems.	No.
Yield verification tests of stockpiled weapons up to approximately 1 megaton.	Yes.
Yield verification tests of stockpiled weapons above approximately 1 megaton.	No.
Troop and crew training tactical exercises using nuclear weapons.	No.

#### VI. Military implications of treaty

The primary objective of the hearings held by the subcommittee was to determine whether or not a suspension of, or limitation upon, nuclear testing would or could result in overall military and technical disadvantage for the United States. While the evidence leads us to the conclusion that the net result of the proposed treaty would be a military disadvantage, there was considerable divergence of opinion among the witnesses on the question of whether the disadvantage was acceptable from the standpoint of the Nation's security and whether the risks involved were acceptable on balance.

#### A. Military Disadvantages

The military disadvantages associated with the treaty which were discussed in testimony before the subcommittee were as follows:

1. The United States probably will be unable to duplicate Soviet achievements in very high yield weapon technology. Though U.S. weapons laboratories are capable of developing and stockpiling designs yielding greater than 50 megatons without further experimentation, their weight and size would be incompatible with any existing or programmed missile delivery vehicle. It is well within the capabilities of U.S. weapons laboratories to equal and to surpass the Soviet achievements, but to do so would require a number of atmospheric nuclear tests.

2. The United States will be unable to acquire necessary data on the effects of very high yield atmospheric explosions. Without such knowledge it is unlikely that a realistic assessment can be made of the military value of such weapons, or that plans can be formulated to protect military weapons systems against their use. The data possessed by the United States on high yield weapons effects are inadequate to permit confident extrapolations to the higher yield categories.

3. The United States will be unable to acquire data on high altitude nuclear weapons effects: Such data are important to the design of anti-ballistic-missile system warheads and radars. Again, this is an area in which Soviet experiments may have provided them with greater knowledge than that now available to the United States. Throughout our hearings there was considerable dispute on this point. The treaty proponents accurately observed that the ABM warheads could be developed through underground testing and that development of acquisition and tracking radars was an electronics problem not directly dependent upon nuclear tests. It is clear, however, that the characteristics or specifications upon which such warhead design and development should be based are not sufficiently known and cannot be determined with confidence without additional high altitude effects tests.



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As the Atomic Energy Commission observed: "While our knowledge of . . . black-out phenomena provides some limited guidance in the determination of [ABM] warhead criteria . . . an optimized design could only be chosen after continued atmospheric testing. Whether or not significant gains will result, can be argued."

And again: "The minimal [warhead] specifications . . . can be met within the framework of existing technology. [But, assuming that a minimal warhead will not be acceptable,] testing both underground and in the atmosphere would be required to complete the development."

4. The United States will be unable to determine with confidence the performance and reliability of any ABM system developed without benefit of atmospheric operational system tests: An ABM system will be required to function in the nuclear environment created both by its own defensive warhead explosions and those of the attacking enemy. Under such circumstances it is important to be as certain as possible that no element of the system possesses unknown vulnerabilities to nuclear effects. All electronics components of the ground arrays and missiles must function; the missiles must be capable of operating in the presence of nuclear, thermal, and blast effects; the warheads must be resistant to nuclear radiations. It is apparent that unless a system of such complexity is tested in its operational environment, there will be a low level of confidence in its ability to perform the mission for which it was designed and produced. Many unknowns will arise in the course of the ABM development program which can only be explored and satisfied through the medium of atmospheric and high altitude nuclear testing.

5. The United States will be unable to verify the ability of its hardened underground second-strike missile systems to survive close-in high-yield nuclear explosions: (See the discussion under the heading of "Weapons Effects Program" on pp. 4 to 5 of this report.)

6. The United States will be unable to verify the ability of its missile reentry bodies under defensive nuclear attack to survive and to penetrate to the target without the opportunity to test nose cone and warhead designs in a nuclear environment under dynamic reentry conditions.

7. The treaty will provide the Soviet Union an opportunity to equal U.S. accomplishments in submunition weapon technology: there can be no doubt that a treaty limiting testing to an underground environment will tend to favor experimentation at the lower end of the yield spectrum. Economic factors will play a part since costs rise significantly with relatively modest increases in yield for underground tests. There are also testing limitations arising from the type of strata, geological uncertainties, and engineering factors. Whether or not either the United States or the Soviet Union will choose to test underground at yields much greater than approximately 1 megaton is not known. In any case, it appears that the race for nuclear technological superiority will be confined to that area where the United States is believed to now hold a margin of superiority. The result, with time, will probably be the achievement of parity by the Soviet Union in this area without any equivalent opportunity for the United States to attain equality in very high yield weapon technology.

8. The treaty will deny to the United States a valuable source of information on Soviet nuclear weapons capabilities: The results acquired from the analysis of radioactive debris generated by nuclear explosions has long been a basic source of intelligence on Soviet nuclear weapons programs. By driving Soviet testing underground, this intelligence will be denied the United States with the re-

sult that with the passage of time knowledge of the Soviet state of the art in weapons undergoing tests will be seriously degraded. The effect of the treaty will be to reinforce the difficulties already imposed on the United States by Soviet secrecy.

#### B. Counterarguments.

A clear majority of the witnesses agreed that the treaty would result in military and technical disadvantages when compared with the increases in performance confidence and in the quality of weapon systems which would be derived from unlimited atmospheric testing.

It was stated, however, that it is characteristic of the experimental sciences that enough data is never available to satisfy the scientific search for knowledge. The testimony was unanimous that, except in the field of very high yield weapons, the United States today holds a clear and commanding lead in nuclear weapon systems over any one or any combination of potential enemies.

This superiority was said to result from a larger and more diversified stockpile of nuclear weapons, by more numerous, varied, and sophisticated delivery systems, and by a greater capacity to produce nuclear materials, weapons, and delivery systems.

It was also asserted that a cessation of atmospheric nuclear testing would in no case prevent qualitative improvements being made in our weapons systems which would flow from a vigorous nonnuclear technology. Some witnesses noted that potential improvements in missile accuracy and reliability would continue to be exploited. Some noted that uncertainties in ABM radar performance when confronted with the various forms of blackout induced by nuclear explosions could be compensated by the deployment of greater numbers and wider dispersal of the radars.

Uncertainties concerning reentry vehicle warhead vulnerabilities could be reduced by a factor of 2 or 3, based on present knowledge and without further testing, by straightforward engineering improvements, it was said.

Some witnesses noted that so far as any uncertainties which might arise about the survivability of second-strike missile forces were concerned, these could be compensated by additional redundancy in missile systems, by greater numbers of missiles, and by greater dispersal. It was also noted that U.S. war plans tend to be conservative concerning the percentage of the second-strike force surviving a nuclear attack and in estimating the number of warheads capable of reaching enemy targets and so provide adequate margin for error.

In summary, it was the contention of witnesses who supported the treaty that it will tend to stabilize the advantages which the United States now maintains in military nuclear superiority over the Soviet Union. While recognizing that doubts concerning the quality of some of our weapons systems do exist, they maintained that these doubts can be compensated by "brute force" techniques by which quantity is substituted for quality at considerably greater cost to achieve approximately the same results in military system effectiveness.

It is interesting and sobering to note that, as we proclaim our nuclear superiority and our determination to maintain it, the Soviets do likewise. A dispatch from Moscow, dated August 30, 1963, quotes Red Star, the Soviet armed forces newspaper, as saying that Russia today possesses superiority in nuclear power "and has no intention of relinquishing it." Red Star also said that, while the United States intends to continue underground testing, the hopes of the Pentagon of attaining any "advantage in nuclear power by means of these explosions are illusory." And on September 3, 1963, Marshal Rodion Malinovsky, the Soviet Defense Min-

ister, wrote in Komsomolskaya Pravda that the Soviet Union can "prove its complete military superiority over the United States."

#### VII. Proposed safeguards

The Joint Chiefs of Staff in testimony before the subcommittee identified a number of military disadvantages which, in their collective judgment, would flow from the treaty. However, their assessment of the desirability of the treaty was not based on military considerations alone. Their conclusions on the matter also reflected their judgment of the political and foreign policy advantages and disadvantages which would result from it. Their joint conclusion was that, on balance, the political and foreign policy advantages to be derived from the treaty outweighed the limitations which the treaty would impose on the Nation's weapon systems programs.

However, the Joint Chiefs qualified their support of the treaty by making their approval conditional on the effective implementation of four "safeguards" designed to reduce to a minimum the adverse effect the treaty would have on our weapon programs. On the basis of these "safeguards" Senator JACKSON on August 14, 1963, offered a motion which was unanimously adopted by the subcommittee, and was subsequently approved by all members of the Senate Committee on Armed Services, requesting that the Joint Chiefs of Staff submit as soon as possible, and in any event prior to committee action on the treaty, a statement of the specific requirements to implement the "safeguards" proposed by the Joint Chiefs. Senator JACKSON's motion, which sets forth the proposed safeguards in full, is attached as appendix B.

By a letter dated August 15, 1963, Senator RICHARD RUSSELL, chairman of the Committee on Armed Services, transmitted the JACKSON motion to the Secretary of Defense, and requested a statement in response to the motion.

Responses to the motion were received from the Joint Chiefs and the Office of the Secretary of Defense on August 24, 1963. These responses are attached as appendix C.

The subcommittee considers it to be vital that, if the treaty is ratified, the recommended "safeguards" be implemented fully and that detailed and specific programs to so implement them be presented by the executive branch.

The administration has expressed publicly its intent regarding the safeguards both in the responses to the motion by Senator JACKSON and in other statements by the President, the Secretary of State, and the Secretary of Defense. Such statements are set forth in appendix D.

To permit the U.S. Senate to monitor the treaty safeguards it is necessary that the expressed good intentions be supplemented by definitive programs against which progress can be compared. At this time, we have not received details of testing, preparedness, and detection improvement programs which will permit the safeguards to be monitored in an effective manner. If the treaty is ratified it is the intention of the Preparedness Investigating Subcommittee to monitor the implementation of the safeguards, and it would also be our hope that other committees of the Congress having jurisdiction in these areas would cooperate in this important program.

However, we wish to emphasize that even the most rigorous and conscientious implementation of the JCS safeguards will not alter, modify, or reduce the military and technical disadvantages listed herein which will result from this treaty. No safeguards can provide the benefits of testing where testing is not permitted, nor can they assure that this Nation will acquire the highest quality weapon systems of which it is cap-

able when the means for achieving that objective are denied.

#### VIII. Detection and identification

A brief word should be said about the problem of detection and identification in connection with the proposed treaty. "Detection" means a determination that an event has occurred without implying that it has been identified as a nuclear explosion. "Identification" means that an event is not only detected but that it is identified as a nuclear detonation.

During the previous negotiations on test ban treaties, the major controversy in this field has centered around the ability to detect, identify, and fix the location of underground explosions. The proposed three-environment treaty, by permitting underground testing, considerably reduces the problems involved in detection and identification by does not eliminate them entirely.

The capabilities of our verification system cannot be discussed in detail in an unclassified document. However, notwithstanding anticipated and programmed improvements in the system, it will still possess both detection and identification "thresholds" below which clandestine testing is possible with a low probability of detection.

The yields at which clandestine tests may be conducted and probably escape detection will vary with altitude and geographical location, and some uncertainty exists in this field. There is also some controversy as to whether significant military advantages can be obtained by clandestine testing in the prohibited environments.

It is not the purpose of this section to explore these problems in detail. It is our purpose here to point out that, under the limited treaty, problems of detection, identification, and verification still remain although they are of a lesser order of magnitude than would be true of a treaty banning underground testing.

#### IX. Concluding statement

From the extensive evidence presented to us, we have come to the conclusion that the proposed treaty banning nuclear testing in the atmosphere, underwater, and in space will affect adversely the future quality of this Nation's arms, and that it will result in serious, and perhaps formidable, military and technical disadvantages. These disadvantages, in our judgment, are not outweighed or counterbalanced by the claimed military advantages. At the same time, we are not convinced that comparable military disadvantages will accrue to the nuclear weapon programs of the U.S.S.R.

Looking at the matter from the military aspect and from the effect of the treaty upon our military preparedness and posture, we cannot escape being impressed with the testimony of Gen. Thomas S. Power, commander in chief of the Strategic Air Command, and Gen. Bernard A. Schriever, commander of the Air Force Systems Command, who addressed themselves to the problem exclusively from the military point of view. General Power, after stating that he did not think the treaty "is in the best interests of the United States," said: "I feel that we have military superiority now, and I feel very strongly that this has resulted in a world that has been free from nuclear warfare. I have a lower confidence factor that we can and will maintain that military superiority under the test ban treaty."

General Schriever told the subcommittee that there "are definite military disadvantages" to the treaty and that, as a military man, he felt he could protect the country better without the treaty than with it.

Of course, the endorsement of the treaty by Gen. Curtis E. LeMay, Chief of Staff of the Air Force, was considerably less than enthusiastic, and he testified that he probably would have recommended against the treaty had it still been in the proposal stage.

From the evidence we have learned that the Soviets have overtaken and surpassed us in the design of very high yield nuclear weapons; that they may possess knowledge of weapons effects and antiballistic missile programs superior to ours; and that under the terms of the treaty it is entirely possible that they will achieve parity with us in low yield weapon technology. These things are not grounds for complacency. We believe very strongly that Soviet secrecy and duplicity requires that this Nation possess a substantial margin of superiority in both the quality and the quantity of its implements of defense.

Although we have concluded that there will be a net military disadvantage to us if the treaty is ratified, we recognize the existence of other factors which, while not within the scope of this report, are pertinent to a final judgment on the treaty. Among these are matters related to international affairs, foreign policy, and relations with other countries. When these are taken into consideration the question becomes one of weighing relative risks, and our hearings provide ample evidence that the overall assessment of the relative merits and demerits of the treaty is a complex and difficult matter on which equally patriotic, informed, and dedicated persons may and do disagree. In the final analysis, then, each individual must reach his own judgment on the basis of personal philosophy, past experience, current knowledge, and the relative weight which he assigns to the various factors involved.

#### ADDITIONAL VIEWS OF SENATOR STUART SYMINGTON

Since 1955, when I was appointed a member of the Joint Subcommittee on Disarmament, I have followed closely the activity of our Government in arms control, disarmament, and nuclear test ban proposals; and specifically have studied carefully the three-environmental test ban treaty signed by our Government in Moscow on August 5, 1963.

To the best of my knowledge, the factual data contained in the report of the Preparedness Investigating Subcommittee is correct. But I believe the findings and conclusions are overly pessimistic as to the effect of the treaty on our national security.

As a member of both the Foreign Relations Committee and the Preparedness Investigating Subcommittee, I listened to and questioned many responsible witnesses—both in and out of Government. Most of these experts testified that our national security would be adequately protected under the terms of the treaty.

Much of this testimony was before the Foreign Relations Committee and, therefore, is not emphasized in this report.

Based on the record, I am worried about the treaty; but more worried about the possibility of an all-out nuclear exchange some day in the future—particularly if there is a proliferation of nuclear weapons among more countries. This treaty, a very small step, nevertheless could be the first step toward bringing nuclear weapons under some form of satisfactory control, which action should promote the possibilities of a just peace under law.

Therefore, I plan to vote for the treaty. This does not deter me from signing the Preparedness Investigating Subcommittee report. The record made by the subcommittee is, to the best of my knowledge, the most complete record ever made on this vital subject by anybody on the military and technological implications of nuclear test ban treaties as they relate to our national security. It is a record which should be of inestimable future value to the Congress and the country.

#### DISSENTING VIEW OF SENATOR LEVERETT SALTONSTALL

As one Senator who attended the hearings conducted by both the Foreign Relations

Committee and the Preparedness Investigating Subcommittee on the proposed nuclear test ban treaty, I find that I cannot, as a member of the Preparedness Subcommittee, concur with its report because I feel that its general tenor and its specific findings and conclusions are unduly pessimistic as to the effect of this treaty, if ratified, upon our national security. As a U.S. Senator, I intend to consent to the ratification of this nuclear test ban treaty.

I believe that the factual data contained in the report of the Preparedness Subcommittee is accurately stated. However, the nature of the conclusions drawn from this factual data are, in my opinion, overly adverse. It must be remembered that responsible Government officials such as the Secretary of Defense, the Joint Chiefs of Staff, leading scientists, and many others, some of whom appeared only before the Foreign Relations Committee, testified that our national security would be protected under the terms of the treaty even though some important atmospheric nuclear tests could no longer be conducted. This testimony is not sufficiently emphasized in the report, although I realize that some of it was not necessarily given in the hearings conducted by the Preparedness Subcommittee.

The Congress must insist upon an active, constructive, and energetic implementation of the four safeguards suggested by the Joint Chiefs of Staff so that our security will be maintained while the cause of peace and the lessening of tensions in the world are advanced.

#### HOW TO WASTE MONEY WITHOUT EVEN TRYING

Mr. MUNDT. Mr. President, an editorial in the Evening Star, Washington, D.C., on September 3, 1963, called attention to a most curious document, prepared at the expense of the taxpayers, under the direction of the Department of Health, Education, and Welfare. This Department of Health, Education, and Welfare book is 814 pages long. It is titled, "Programs, 1963: A Guide to Programmed Instructional Materials Available to the Educator by September 1963."

This book is actually a bibliography. It contains a list of publications which it states may be of use to the Nation's educators during the upcoming school year. I think my discussion of it might well be made under the heading "How To Waste Money Without Even Trying."

Ordinarily one would assume that a list of materials which are available for the use of teachers in the classroom would be commendable. But the Evening Star said that one section of this bibliography actually is concerned with describing an "Official Girlwatcher's Manual" which is available for the use of our educators. I thought to myself—Surely, this must be a jest. Newspapermen, in the dull heat of a late summer afternoon are wont to amuse themselves and, they hope, the public with gentle barbs directed at the civil servant. It seemed unbelievable that even under the New Frontier's concept of "sophisticated budget management" the hard-earned money of America's taxpayers would be used for the assembling, publication, and distribution of such obvious nonsense.

But, being of a curious nature, I could not let this rest at that. I wanted to see for myself this library of strange and forgotten lore. I found my intellectual foray beset with obstacles cunningly laid by a shy and reticent Department of

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## CONGRESSIONAL RECORD — SENATE

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Health, Education, and Welfare. In short, they just did not seem to want to let me see a copy.

Perseverance had its rewards. I obtained a copy of this book, whose production was paid for by the taxpayers of the United States, and now, Mr. President, I would like to describe for you briefly its contents, its price tag, and its distribution. I must be frank and say I still am not able to describe its purpose.

It seems that this book, which has contract No. OE-3-16-012, is an 814-page compilation of Library of Congress index cards. By working a month or so at the Library a good secretary could come up with a similar list. Yet the Department of Health, Education, and Welfare admits to paying \$21,850 to the Center for Programed Instruction, Inc., for this card catalog facsimile.

This material, prepared under authority of the National Defense Education Act, purports to assist educators in their selection of instructional materials. As a supporter of the NDEA, this perversion of its purposes and waste of its money appalls me.

Mr. President, let us see what we get for this \$21,850. I think a random sampling of the book pretty well tells the story. It might well also have some bearing on the wisdom of involving the Federal Government in Federal-aid-to-education programs involving curricula, classroom activities or the payment, selection, and supervision of teachers and school administrators. When the Federal Government spends taxpayers' money to publicize certain books and articles, it automatically involves itself in the implication that such publications are desirable and authentic. By publicizing some and ignoring others it inferentially recommends the former and rejects the latter. When it goes as far afield as in the instant case it also indicates a complete lack of realism and a virtual disdain for the taxpayers' problems.

I should like to quote from page 506 of this document, specifically a sample page from "How To Follow the Stock Market." One question which the authors apparently feel is essential to modern education, goes like this:

But before you contact a stockbroker, you should decide what type of stock buyer you are going to be and what kind of ---- you want to buy.

The answer is "stock."

Another question states:

You could be one of two types of stock buyers: A speculator or an investor. Speculators speculate and investors ----.

The answer is, strangely enough, "invest."

Pages 122 and 123 are concerned with the salesman's call report. Question 18, on page 123 states:

Let's see why and to whom call reports are important. First of all call reports are important to you. Do you agree?

The answer to this question, and again I quote, is:

Any answer is OK.

That's all. Just any old answer is OK. It does not make any difference that the taxpayers of this country are paying \$21,850 to produce the bibliography which contains material like this—because any old answer is OK.

Question 19, on page 123, also deals with the salesman's call report. This question reads:

Maybe you said, "Like hell. I don't agree." Well, is money important to you?

The answer to this question, again prepared for the use of our Nation's teachers, and distributed by the U.S. Government is, and I quote:

If you answer "No," you're sick, man, sick.

In all honesty, Mr. President, at this point I too was sick. I have seen many publications intelligently written and sensibly produced by the Federal Government over the years. But in recent months there is some legitimate cause to question the uses to which the Department of Health, Education, and Welfare puts its multibillion dollar appropriations. This bibliography is but the latest example of taxpayer financed frivolity.

Starting with page 132, the next 15 pages are devoted to fun and games, including "How To Watch a Football Game," "How To Score Bowling," coin collecting, roller skating, one course on chess and three on bridge. I am sure all of these games bring joy to the soul; but I must question the use of the public purse to finance this excursion into these forms of unalloyed happiness.

Mr. President, I will go one step further. I do not think the general welfare clause of the Constitution was designed to promote books on how to watch football.

Up to this point I was merely astounded, but when I noticed this bibliography devoted pages 521 and 522 to a description of an "Official Girlwatcher's Manual" I was disgusted. I shall quote these 2 pages in their entirety because, frankly, Mr. President, if I did not you would not believe what they contained.

Page 521, Official Girlwatcher's Manual: Official Girlwatcher's Manual; Jac D. Meacham, Grafcroll Systems, Inc.; Joe Beagin, founder, International Society of Girlwatchers. Published by Grafcroll Systems, Inc., 4215 Calavo Drive, La Mesa, Calif.

Programed text, 200 frames, paperback, 110 pages, 5½ by 8 inches, \$4.95.

Table of contents.

Constructed responses usually used; some branching; no multiple choice.

Developmental (field test) population(s): Any member of International Society of Girlwatchers and other interested males.

Prerequisites: 20/20 vision or corrected as required.

Additional material required: glasses, binoculars, notebook.

Average time: 2½ hours (estimate).

Next revision: February 1968. (One sample page.)

Page 522, Official Girlwatcher's Manual: Official Girlwatcher's Manual; Meacham, Beagin; Grafcroll Systems; one sample page:

## OFFICIAL GIRLWATCHER'S MANUAL

## Directory of girls

17. The untouchables.	18. The girls that have a tendency to cry easily, or have chronic complaints, or appear to be nervous most of the time are the EMOTIONALS. The ---- are usually good for watching when stopped by the law for speeding.
18. Emotionals.	19. The UNMENTIONABLES are not in the watchable category because they are generally those girls out of the past and you do not mention them to your wife or current date. They are ---- only in visions or dreams.
19. Watched.	20. The NOCTURNALS are those beauties who are always falling asleep on a date or early in the evening. The ---- are very poor ones for drive-in movies, but can be observed drowsing in their favorite park or on the beach.
20. Nocturnals in.	21. The SOCIABLES are not always drinking Pepsi, but are usually flitting about like a ---- fly in spring; at parties and ---- events. The sociables are very good to watch as they provide a variety of entertainment.

Now, Mr. President, there are those in the executive branch who will maintain that this book serves a useful purpose in that it provides would-be users of teaching machines with a complete compilation of materials available along with their sources. If this material were not available anywhere else in the country, it might, indeed, be of real value.

The fact is—and I speak from the experience of serving as a former school superintendent—that any school official who has shown the slightest degree of interest in this type of education has promptly been swamped with salesmen of every description, each with his brochure, each with a fully detailed list, along with samples of his wares. Teachers, department heads, and administrators have never been at a loss to find textbooks and teaching aids. The problem, as any administrator will tell you, is sometimes how to avoid them. Each day's mail brings in a plethora of advertising material on all worthwhile books and publications.

This very flood of available information makes the publication of such a bibliography—at taxpayer expense—a more patently ridiculous operation.

Mr. President, this bibliography says that the authors and the Department of Health, Education, and Welfare will welcome comments on this book, along with suggestions as to how it might be improved.

My first comment is that the contract be declared invalid by the Comptroller General of the United States and that the \$21,850 paid under this contract to the Center for Programed Instruction, Inc., whether as a political reward or for



1963

The Senate has passed the Youth Employment Act, S. 1, for the 88th Congress, and the legislation has been favorably reported by the House Committee on Education and Labor. As in the past several sessions, we are waiting for consideration of this bill in the House Rules Committee.

Often the argument is raised in opposition to Federal programs designed to meet urgent domestic needs that the American public really does not support such programs. I believe this argument is fallacious most of the time; it certainly is fallacious in terms of the Youth Employment Act.

The American Institute of Public Opinion, the research organization that compiles the Gallup poll, released the results of their latest survey, which discloses that 89 percent of the American public support the establishment of a Youth Conservation Corps. To quote from Dr. George Gallup's report of this survey:

Few issues in polling history have received such overwhelming support of the American public as has the proposal for modern-day CCC camps—modeled after those established by the Roosevelt administration in the 1930's.

Let me emphasize what Dr. Gallup has said:

Few issues in polling history have received such overwhelming support.

This is a most heartening report on the feelings of the American public. It sustains what the supporters of the Youth Conservation Corps have maintained for years.

It also confirms the results of an earlier Gallup poll on the popularity of the YCC. On April 19, 1962, I reported to the Senate that 79 percent of the American public supported this issue. Since that time, still another 10 percent have been added to the total for an overwhelming 89-percent vote of confidence.

There are few, if any, public issues before Congress that could command a comparable majority. It seems to me that this matter is beyond dispute: The American public want prompt passage of the Youth Employment Act. And they are eminently correct on this matter. While youth unemployment dipped slightly in August, the rate is still 14.1 percent, hardly a figure designed to bring comfort or reassurance. Furthermore, I have little doubt that the rate will soon be climbing back toward 20 percent unless remedial steps are taken at once.

Mr. President, I ask unanimous consent that the Gallup poll released over this past weekend relating to the Youth Conservation Corps may be printed in the RECORD. I also ask unanimous consent that the poll taken in 1962 demonstrating similar support be printed after the new survey.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SEPTEMBER 1963

PUBLIC BACKS CCC-TYPE YOUTH CAMPS  
(By George Gallup)

PRINCETON, N.J.—Few issues in polling history have received such overwhelming support of the American public as has the proposal for modern-day CCC camps—modeled

after those established by the Roosevelt administration in the 1930s.

Nearly 9 out of 10 persons interviewed in a nationwide Gallup Poll say they think such camps—enabling young men to learn a trade and earn money by outdoor work—would be a good idea.

In the proposed Youth Conservation Corps, young men between the ages of 16 and 22 could earn money through participation in Federal conservation programs.

The "Home Town Corps," which would be open to both young men and women, would provide work experience and increase employability through work in State or local projects.

To get the public's views on the principle of the youth camps, Gallup Poll interviewers put the following question to a representative sample of 1,588 adults from coast to coast:

"It is proposed that the Federal Government set up youth camps—such as the CCC camps of the 1930s—for young men who want to learn a trade and earn a little money by outdoor work. Do you think this is a good idea or a poor idea?"

The vote nationwide:	Percent
Good idea.....	89
Poor idea.....	6
No opinion.....	5

APRIL 1962

A GALLUP POLL—8 IN 10 FAVOR REVIVAL OF CCC YOUTH CAMPS  
(By George Gallup)

PRINCETON, N.J.—As a way of dealing with the growing problem of out-of-school, out-of-work young men, the American public is highly in favor of reviving the concept of the CCC camps of the 1930's.

Supported by 8 out of 10 persons, such a proposal would set up youth conservation camps for men between the ages of 16 and 22 who want to learn a trade and earn a little money by working outdoors.

Such a concept is embodied in the youth training bills now before Congress, with differing Senate and House versions. The Senate bill calls for a maximum of 150,000 youths in the program by the year 1965; the House version would limit the number to 12,000 at any time over a 3-year period.

To see how the public feels about the general principle of modern-day CCC camps, Gallup poll reporters put this question to a cross section of adults:

"It is proposed that the Federal Government set up youth camps—such as the CCC camps of the 1930's—for young men 16 to 22 years who want to learn a trade and earn a little money by outdoor work. Do you think this is a good idea or a poor idea?"

The vote nationwide:	Percent
Good idea.....	79
Poor idea.....	16
No opinion.....	5

Analysis shows that the youth camps win overwhelming support in all regions of the Nation—East, Midwest, South, and Far West.

Big majorities of older voters—who recall the CCC camps of the 1930's—as well as younger voters endorse the idea of youth camps.

Although the proposal has bipartisan support at the grassroots level, a modern-day CCC has more appeal to Democrats and Independents (83 and 80 percent approval respectively) than it does to rank-and-file Republicans (70-percent approval).

Although the public supports the basic principle of youth conservation camps, the question of whether youths who are out of school and out of work should be required to go to these camps provokes some controversy.

Authorities estimate that as many as 1 million young men each year find themselves out of school, out of work, and not

accepted by the military service. Many youth experts contend that this situation—in addition to providing a "breeding ground" for juvenile delinquency—constitutes a great waste of the Nation's manpower.

Overall—when asked about requiring such young men to go to youth camps—more persons approve of the mandatory approach than disapprove of it.

Among Republicans interviewed, however, the prevailing sentiment is against requiring young men to go to the camps. Democrats and Independents support such an approach.

Younger voters tend to vote against such a method of handling the youth camps; a majority of older voters are in favor of it. During the 1930's, upward of 2 million men were at one time members of the Civilian Conservation Corps or its predecessor, the Emergency Conservation Work Agency.

Gallup poll files show that no New Deal measure was so consistently popular with the public as the CCC camps.

In July 1936—after the camps had been in operation for 3 years—83 percent of persons in a national survey were in favor of continuing the CCC.

In April 1938, another Gallup poll recorded nearly 8 out of 10 in favor of establishing the camps on a permanent basis.

## AN ELOQUENT CONTRIBUTION IN BEHALF OF CIVIL RIGHTS

As in legislative session, Mr. HUMPHREY. Mr. President, I have received a letter from John Maisel, a young American of Woodmere, N.Y. I wish every Senator could read this letter, which is handwritten.

Along with the letter came 30 cents. I have the nickel and quarter taped to a piece of paper. This is a handwritten letter by a young man who is a fine and good citizen.

Mr. President, the people of America and the world saw the spirit of democracy and brotherhood in the faces of those many thousands who came to Washington for the jobs and freedom. This is not the face of America which all too frequently is portrayed on the front pages of our newspapers and on TV.

If the march replaced the faces of fear and hate with faces of courage and love for only 1 day, then it accomplished a great deal. Of course, the march did accomplish much more than this.

Occasionally I fear we are beginning to believe what we read about ourselves on the front pages of the newspaper. As President Kennedy indicated at the press conference yesterday, the schools in 157 cities have been desegregated this year. While our attention has been focused on the disorders which have occurred in Alabama, we have failed to note that over 150 other cities have desegregated almost without incident. Here is the true America, the America determined that justice and freedom will become a reality.

This morning's mail brought a fresh reminder of the basic decency of the large majority of Americans on issues which cut so directly to the very fabric of our democratic system. A young man from Woodmere, Long Island, N.Y., John Maisel, has sent me his week's allowance of 30 cents to help in the cause of civil rights.

Dear SENATOR: I'm sending you my week's allowance so the money could help a Negro or donate to a Negro fund. I am sending

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this money to you because I know you'll do my request.

He signs the letter in his own handwriting as "Your friend." Mr. President, that is a wonderful thing—"Your friend, John Maisel."

From John's letter it appears that he still is in elementary school. To this Senator such a letter is a heartening indication that the cause of full civil rights for all Americans does enjoy the support of a vast majority of persons in this Nation. Both the old and the young—like John Maisel—know that transforming the promise of equal rights into reality takes personal commitment and sacrifice. From John's perspective, the contribution of a week's allowance represents such a sacrifice. I commend this young American for speaking out on the side of freedom and justice. Such action should not go unnoticed, for it demonstrates that America—as a Nation—is determined that the right shall ultimately prevail.

For John's information, I intend to forward this contribution to the NAACP legal defense fund. For many years this worthy organization has sought to secure full civil rights for Negroes where such rights have been denied. I am confident that John's allowance will be wisely invested in the cause of freedom. In fact, this 30 cents will be paying dividends for many years to come.

This letter and its contents have brightened my day considerably. Let us be thankful that the future of this great Nation eventually will rest in the hands of such young men as John Maisel.

#### ADJOURNMENT TO MONDAY NEXT AT 10 A.M.

Mr. HUMPHREY. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 10 o'clock a.m. on Monday next.

The motion was agreed to; and (at 7 o'clock and 32 minutes p.m.), under the previous order, the Senate adjourned, in executive session, until Monday, September 16, 1963, at 10 o'clock a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, September 13, 1963:

##### INTERNATIONAL ATOMIC ENERGY AGENCY

Frank K. Hefner, of Virginia, a Foreign Service officer of class 2, to be the deputy representative of the United States of America to the International Atomic Energy Agency.

Glenn T. Seaborg, of California, to be the representative of the United States of America to the seventh session of the General Conference of the International Atomic Energy Agency.

The following-named persons to the position indicated:

Henry DeWolf Smyth, of New Jersey, to be alternate representative of the United

States of America to the seventh session of the General Conference of the International Atomic Energy Agency.

John Gorham Palfrey, of New York, to be alternate representative of the United States of America to the seventh session of the General Conference of the International Atomic Energy Agency.

James T. Ramey, of Illinois, to be alternate representative of the United States of America to the seventh session of the General Conference of the International Atomic Energy Agency.

Frank K. Hefner, of Virginia, to be alternate representative of the United States of America to the seventh session of the General Conference of the International Atomic Energy Agency.

##### UNITED NATIONS

The following-named persons to be representatives and alternate representatives of the United States of America to the 18th session of the General Assembly of the United Nations, to serve no longer than December 31, 1963:

##### To be representatives

Adlai E. Stevenson, of Illinois.  
EDNA F. KELLY, U.S. Representative from the State of New York.

WILLIAM S. MAILLIARD, U.S. Representative from the State of California.

Francis T. P. Plimpton, of New York.

Charles W. Yost, of New York.

##### To be alternate representatives

Mercer Cook, Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Niger.

Charles C. Stelle, of Maryland.

Jonathan B. Bingham, of New York.

Sidney R. Yates, of Illinois.

Mrs. Jane Warner Dick, of Illinois.



curious services rendered, be returned to the Treasury of the United States.

My second suggestion is that a thorough investigation be made within the Department of Health, Education, and Welfare to determine who authorized and who approved this nonsense. It might be interesting to my colleagues to see just how widespread this appalling waste has become. Unless we stop such unconscionable waste now we may expect it to continue and to expand. Surely there must be more appropriate methods of complying with the Presidential mandate to get America going again.

I ask that the editorial in the Washington Evening Star to which I alluded appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Sept. 3, 1963]

#### LIVE AND LEARN

The mail has brought to our desk a document (814 pages) which is sponsored by the Department of Health, Education, and Welfare, and which has to do with educational instruction.

One section, believe it or not, is concerned with an "Official Girlwatcher's Manual." Any males interested are told they will need as prerequisites "20/20 vision or corrected as required." Additional suggested material includes glasses or binoculars. Another section, concerned with social studies, states that there is only one continent larger than Africa and this is Asia. Then comes the question: "So, the enormous chunk of rock that is Africa is (a) the largest continent; (b) the second largest continent."

If Johnny can come up with the correct answer to this one, he is, we gather, home free. Not so the taxpayer. He will have to make up the difference between the cost of producing these massive volumes and the receipts derived by the Government Printing Office from selling them at \$2.50 a copy. Fortunately, it isn't likely that this boondoggle will head to the best seller list.

#### "MARTIN DIES' STORY"

Mr. THURMOND. Mr. President, "Why did you sin by silence when you knew the truth?" These are the words of a great American in telling the world why he wrote the book, "Martin Dies' Story." This patriot was maligned, smeared, and persecuted because he dared to expose a conspiracy that today is threatening to bury us. If we had heeded his advice the world would be much nearer to the illusory peace we seek today at the expense of our security. The danger Martin Dies warned about has been amplified a hundred times over. I recommend that every American read this dynamic exposure. Mr. President, I ask unanimous consent that a review of the "Martin Dies' Story" by William R. Ruggles as printed in the Dallas Morning News, be printed in the RECORD at this point.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

A BOOK FOR CONSERVATIVES: "MARTIN DIES, STORY"

(Reviewed by William R. Ruggles)

"We lost World War II. It was not the brave men who offered and gave their lives who lost it for us. It was the politicians.

Politics betrayed the 1,076,245 casualties of World War II, and the 157,350 casualties of the Korean war. Now we are losing the miscalculated cold war."

This striking paragraph opens "Martin Dies' Story." The man who headed the House Committee on Un-American Activities so introduces his grim account of what amounts to betrayal of the Nation by diverse factors: Political ambition; recklessness of method; misguided ignorance stimulated to falsehood and calumny; official stupidity and lax security; unwillingness to admit costly fault; a small group of dedicated Communist agents infiltrated into official position.

This is a terrifying story, a striking warning from a devoted American and Texan upon whose head and political fortunes have been opened the veils of wrath of the ignorant, the dupe, the traitor, and the well-meaning fool.

Here is the record of what the Dies committee did, what it tried to do and what it was prevented from doing. Recorded are the antecedents leading to the formation of the committee with Dies at its head in 1938 and the events of the next 8 years when it functioned through the most extraordinary storm of criticism, vituperation, and effort-blocking maneuver in our political history.

In a remarkable foreword, Dies, now 62, points out that he is writing the record not merely to inform posterity but to save it. "If our children do not learn of these incredible blunders, they are doomed to repeat them. I must speak out, lest I be asked on Judgment Day, 'Why did you sin by silence when you knew the truth?'"

Here he does speak out, and how. The Dies committee directed investigation on no single enemy target but on all. The Roosevelt administration tried to keep it off the Communists, but it went after Reds as well as the Nazis.

In logical result, it proved in the face of disbelieving official opposition the existence here of the Communist conspiracy.

Critics of the Dies committee then ignored, as they do now, the careful documentation of its facts. In the heart of this book, Martin Dies asks how many of those critics knew what they were talking about. The record is all there. The report of the hearings has been preserved in 10,387 pages in seven later volumes on the executive session.

Here is retold the tragic story of Dr. William A. Wirt. Remember the Gary, Ind., educator who, after a Washington dinner, reported that New Deal leftists planned deliberately "to overthrow the established social order"? He was pilloried and harried to an early death.

On the floor of Congress, a Representative charged that during World War I Wirt had been jailed for pro-German activities, a complete untruth. New York's O'Connor, who headed the committee that assailed Wirt, 6 years later expressed his own regret for his part, making a frank public apology.

Here is the little-known fact that the committee had completed before Pearl Harbor a report that included a map of Japan's strategic plan for the conquest of the Hawaiian Islands and the Far East. The State Department prohibited publication. The report was viewed by Army and Navy but still Pearl Harbor occurred.

Here are details of the investigations of Communist infiltration of American labor unions and again the storm of invective against the investigators.

Here are the stories of Earl Browder and Sam Carp, of the exposure of front after front for the Reds. Here is the tragic story of guile and/or vindictive Americans, of the president's wife questioning the committee's action. And of the Truman administration pressing to conviction a charge against Parnell Thomas, a later chairman of the committee, for a very questionable practice but one for which other Congressmen

who did it were not prosecuted. Chapter after chapter records accusing history.

Martin Dies has written a record, small in content but huge in stature. The final chapter summarizes how far we have lost the cold war. Read it and reassess your estimate of our national security.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE NUCLEAR TEST BAN TREATY

The Senate, as in Committee of the Whole, resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

Mr. JACKSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Washington allow me to proceed for one-half minute?

Mr. JACKSON. Certainly.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point that excerpt from the transcript of President Kennedy's news conference on yesterday having to do with the question of amending the treaty.

In this particular excerpt the question asked by the reporter is answered precisely and in some detail by the President. The answer, reaffirms the constitutional right that the Senate has, and has had since the founding of this Republic, to advise and consent on any amendment to any treaty, and to do so on the basis of two-thirds of the Senators present and voting.

So what the President said in his press conference emphasizes what every one of the 100 Senators here knows, and that is that if there is an amendment to any treaty, that amendment will be referred to the Senate for its advice and consent and approval on the basis of a vote of two-thirds of the Senators present and voting.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### AMENDING THE TREATY

Question. "Mr. President, some opponents of the test ban treaty have expressed the fear that once the treaty has been ratified it might then be possible later by Executive action to amend the treaty so as to further limit the freedom of action of the United States. What is your reaction to these suggestions?"

Answer. "No; I can give a categorical assurance that the treaty, as you know, cannot be amended without the agreement of the three basic signatories. The treaty cannot be changed in any way by the three basic signatories, and the others, without the con-

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sent of the Senate. There would be, of course, any proposal to change the treaty would be submitted to the usual ratification procedure, followed by or prescribed by the Constitution.

"In addition, there would be no Executive action which would permit us to in any way limit or circumscribe the basic understandings of the treaty. Quite obviously, this is a commitment which is made by the Executive and by the Senate, operating under one of the most important provisions of the Constitution, and no President of the United States would seek to, even if he could—and I strongly doubt that he could, by stretching the law to the furthest—seek in any way to break the bond and the understanding which exists between the Senate and the Executive and, in a very deep sense, the American people, in this issue."

Mr. JACKSON. Mr. President, the limited nuclear test ban treaty we are considering has been described by some as a step toward peace and by others as a step toward war.

If it were plainly the former, the Senate would of course promptly and enthusiastically give its advice and consent to ratification. If it were plainly the latter, we would of course refuse to approve it. We have held extensive hearings and are now engaged in debate because the issue is not plain.

The fact of the matter is that although the treaty is indeed a step in some direction, we do not know, and moreover we cannot know, in what direction it leads. For the treaty does not determine the direction. What we do from now on, and what the rest of the world does from now on—these are the determining factors.

Even those who most seriously doubt the wisdom of this treaty have not argued that it seals our fate. And most of those who strongly support the treaty have taken pains to underline the risks inherent in it. The consequences hinge, at least in large part, on the wisdom of our future policies and the will and determination with which we pursue them.

Obviously, this is no routine agreement; it has major foreign and defense policy implications, and its provisions relate directly to the present and future credibility of the military deterrent which has been the free world's mainstay in stopping aggression and keeping the peace since World War II.

It has seemed clear to me from the outset that this treaty would not serve the interests of peace and security unless we entered upon its undertakings with a firm understanding of the lines of policy required of us in the new circumstances created by the treaty. We must understand what is required to protect and maintain the free world's ability to deter or survive a nuclear attack and to respond effectively against any aggressor. We must be ready to pursue the necessary policies without reservations of mind or heart.

It was for this reason, Mr. President, that on August 9, prior to Senate consideration of the treaty, I propounded on this floor a number of national security issues on which, in my judgment, frank and adequate assurances from responsible officials of the executive branch were needed before the Senate could prudently determine whether to give its advice and consent to ratification.

It is for this same reason that the Joint Chiefs of Staff attach great importance to what they call safeguards. In their testimony before the Preparedness Investigating Subcommittee of the Armed Services Committee, and before the Foreign Relations Committee, the Joint Chiefs defined certain safeguards which they believe can reduce the disadvantages and risk of the treaty. These safeguards include:

(a) The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

(b) The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends.

(c) The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union.

(d) The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements.

On August 14 the Preparedness Investigating Subcommittee unanimously adopted a motion which I made and which was subsequently unanimously adopted by the Armed Services Committee, a motion calling on the Joint Chiefs to supplement their testimony by providing to the Armed Services Committee a statement of the specific requirements to implement the necessary safeguards they had defined.

Senator Russell forwarded this motion to the Secretary of Defense. The part of the response made public and included in the interim report of the Preparedness Investigating Subcommittee consists of two items: One, a letter from the Deputy Secretary of Defense setting forth in some detail both the assurances that the safeguards stated by the Joint Chiefs are recognized and accepted at the highest levels of the Government and also the standards that will be observed and a preliminary outline of the measures that will be taken to implement these safeguards; and, two, a letter from the Chairman of the Joint Chiefs enclosing a memorandum defining "Criteria To Insure Fulfillment of the Safeguards Proposed by the Joint Chiefs of Staff."

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. SALTONSTALL. I say to the Senator from Washington that I thought his motion in the Preparedness Subcommittee, emphasizing the importance of these four safeguards, was a great contribution. It helped me very much in making up my mind to have these four points emphasized and to get the answers to them. I believe that the Senator made a real contribution to the whole situation.

Mr. JACKSON. I appreciate the kind comments of the distinguished Senator from Massachusetts. I hope and trust

that the bill of particulars in connection with the safeguards will help protect in the future our military advantage, which has been the means by which we have kept the peace.

Mr. SALTONSTALL. It is extremely important, as I tried to emphasize in my remarks—and as I believe the Senator believes also—that Congress itself—not only the Senate but the House also—should be very sensitive to its responsibilities to see to it that these safeguards are lived up to.

Mr. JACKSON. The Senator is entirely correct. The future security of our country depends on our ability to protect the means by which we have kept the peace. This has been not nuclear parity with the Soviet Union or nuclear equality, but nuclear superiority in relation to the Soviet Union. This is the reason why the Preparedness Investigating Subcommittee unanimously asked for the bill of particulars in connection with the four safeguards laid down by the Joint Chiefs.

It should be emphasized that there has been no disagreement on the part of anyone in a responsible position in the executive branch about the importance of action to implement the safeguards. On the contrary, there has been endorsement of the position that the United States will take determined, willing, and vigorous action to honor the safeguards, and the Senate is entitled to assume that no reservations attach to this resolve.

This commitment should be recognized by every official of the executive branch having anything to do with the actions needed to fulfill these safeguards. It is equally something which should be recognized by Congress, for it may well be that Congress, contrary to the expectations of many people, will have to vote additional appropriations in order to translate the commitment into effective programs of action.

Secretary McNamara's testimony to the Foreign Relations Committee already indicates, for example, that in order to compensate for uncertainties which could only be removed or reduced by tests forbidden by the treaty, we may have to produce and deploy greater numbers of delivery systems and radars and to disperse them more widely than would have been necessary without a treaty. Thus the Secretary acknowledges that if we are going to design around uncertainties, we shall have to have additional military hardware. It is apparent that this may well mean among other things greater numbers of present delivery systems and new mobile systems to reduce vulnerability. All of this costs money. I believe it would be unwarranted to assume that under the new environment of the treaty our security requirements can be maintained by less expenditures for national defense, or even by the same level of expenditure.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. MILLER. Is it the Senator's opinion that the same conclusion could be made with respect to the national defense expenditures of the Soviet Union?

Mr. JACKSON. I am not in a position so to indicate, because I am not fully aware of what they have available. I do

not know that anyone has that information.

Mr. MILLER. The Senator indicated that we could well expect an increase in the national expense costs of the United States.

This being so, I wondered if the Senator had any opinion as to whether we might expect that the Soviet Union might also have to provide a greater outlay for its own national defense costs.

Mr. JACKSON. That would depend on the intentions of the Soviet Union. It is clear that their basic aim is to dominate the world. It is clear that the Soviet Union will do everything it can to overcome the present military superiority enjoyed by the United States. I should like to emphasize that, because the Soviets could attack with all of the advantages and benefits of surprise, they do not need to have military superiority; parity or equality would be sufficient for their purposes. Therefore, it is essential, in order to maintain peace and to prevent a nuclear catastrophe, that we maintain at all times nuclear superiority.

We must pay a price, because of uncertainties with respect to Communist power and the obvious advantages of secrecy which the Soviet Union possesses. We shall have to have more than we would normally require of the key items that go to make up military superiority.

Mr. MILLER. I thoroughly agree with the Senator's statement. It is well to bring that point out.

Has the Senator seen any evidence to indicate that the Soviets have any intentions of reducing rather than increasing their military power vis-a-vis the United States?

Mr. JACKSON. Not at all.

Mr. MILLER. If that is so, would it not be a reasonable assumption that if the United States has to increase its national defense budget in order to maintain its deterrent capabilities, the Soviets can be expected to increase their national defense budget in order to close the gap?

Mr. JACKSON. The Soviets know we will not make a surprise attack on them. The Soviets are now inferior vis-a-vis the United States in military power. They know they have not been attacked, even though we have had superiority. Therefore, they have an advantage over us in the amount of arms that they need to maintain and protect their interests. The amount of arms they maintain goes up and goes down. They have increased and decreased it from time to time. Their defense budget depends on meeting the long-range military objectives of the Soviet Union and their foreign policy objectives.

The Secretary of State concedes that there can be no ideological coexistence with the Soviet Union. Mr. Khrushchev intends to bury us. The Chinese intend to do the same. As I understand it, there is no argument about that. There may be a difference as to the means used by the Chinese and the Russians; but both nations seem to have in mind a funeral for the United States and the Western nations. Their leaders openly admit this.

Mr. MILLER. I thank the Senator from Washington.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. There is some significance as to the difference in means that the Soviets may employ, is there not?

Mr. JACKSON. Yes; the argument between the Chinese and the Russians is over the means, not the end.

Mr. FULBRIGHT. Does not the Senator think it is rather significant to us which means is pursued by the Russians?

Mr. JACKSON. Yes. On the other hand, we must be prepared to deal with any and all means. I am confident that if the Russians should obtain parity or equality with the United States—I am talking about nuclear or thermonuclear parity or equality—they might risk a surprise attack on the United States. Therefore, the key point I wish to make is the importance of maintaining nuclear superiority, which is the means by which the United States has kept the peace.

Mr. FULBRIGHT. What I mean is that nuclear warfare is not the only means that could be pursued. There are those who believe that the remark about burying the United States means that the Soviets intend to outperform us in ways other than the waging of warfare. That is a possibility.

Mr. JACKSON. We all agree that the challenge is total, not merely military. It includes economic and political factors.

Mr. FULBRIGHT. That is not always clear from statements emanating from some quarters. Some persons believe it to mean only nuclear warfare.

Mr. JACKSON. I personally have never subscribed to that point of view. We are engaged in all-out competition with the Soviets. They will use whatever means they feel are best at the time in their long-range effort to achieve their objective of world supremacy. There is no doubt about that in my mind.

Mr. SYMINGTON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield to the Senator from Missouri.

Mr. SYMINGTON. Following the questions asked by the Senator from Iowa—and I believe I understand what he was getting at—it is true, is it not, that underground testing will be considerably more expensive on any broad basis than atmospheric testing? As the Senator has pointed out in his able address, the United States intends to continue—and we have the assurance of the administration that underground testing will proceed. If the Soviets follow that line of action in order to maintain their position as against ours in this field, it will cost them more money to test in the future than in the past. Is not that correct?

Mr. JACKSON. There is no question that if the safeguards set forth by the Joint Chiefs of Staff are honestly and conscientiously implemented and I believe we have received adequate assurances that they will be—it will cost much more to test underground. If the testing is vigorous, as I expect it to be, otherwise we should get out from under the

treaty, it will cost more money to conduct tests in accordance with the safeguards laid down by the Joint Chiefs of Staff.

Mr. FULBRIGHT. Mr. President, will the Senator further yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. Suppose it were stated categorically that the Soviets knew the United States would not attack them. I agree that the United States—and I certainly hope and believe so—has no intention of doing so. Would it not be more reasonable to use the term, "prevailing over us," in the sense of not wasting their substance on added testing, but to demonstrate to the world that they could have a better educational system, could provide a better way of life for their people, and that they could create a society which satisfies more nobly the aspirations of the human race, rather than to build additional weapons? If they have that assurance, as the Senator believes they have, why should they not pursue such a policy, if they are reasonable people?

Mr. JACKSON. I am not in a position to read the state of mind of the leaders of the Soviet Union.

Mr. FULBRIGHT. The Senator said he had read it to the extent that he knew that the Soviets knew we would not attack them.

Mr. JACKSON. I can only point out that the Soviets have maintained a formidable force. I can only point out that they were able to beat us in a critical race of discovery—that is, the intercontinental ballistic missile.

That all leads me to believe that they are using their military power concurrent with all their other capabilities—political, economic, and sociological. Name it, and there they are.

I cannot say that merely because they are concentrating on other areas of competition, they will downgrade their area of military competition. The point that must be made, and made over and over again, is that it has been the very superiority of the United States in the nuclear and thermonuclear fields that has prevented a catastrophic thermonuclear war. Some people keep telling us that we now have enough such weapons piled up to blow the world apart. We have been in that position for a long time, since shortly after the Soviets obtained their atomic bomb in 1949 and their thermonuclear bomb in 1953. That condition has existed during all that period. The reason there has not been a catastrophic nuclear war is that the United States has had nuclear superiority. That is what has chiefly deterred the Soviets.

The Soviets have exercised great skill in using military power in association with their political objectives. One of the first moves they made in Western Europe, the taking over of Czechoslovakia, was in association with their ground forces. Other moves have been made elsewhere. To some extent, they used their achievement in obtaining the ballistic missile before we did to exert strong political pressure on other countries, effective pressure in some countries, ineffective in others. We have re-



ferred to this as ballistic missile blackmail.

So we cannot minimize the relationship of military power to the other objectives on which the Soviets are constantly working.

Mr. FULBRIGHT. I agree; but the Senator does not believe the treaty would in any way disarm the United States, or is intended to do so, does he?

Mr. JACKSON. It will not, provided we exercise our right under the treaty to withdraw when it becomes apparent that our security is threatened; and if we fully carry out the safeguards the President of the United States has said will be carried out.

Mr. FULBRIGHT. That will depend largely on the Congress, too, will it not?

Mr. JACKSON. One of the things I believe the Joint Chiefs are concerned about is the state of euphoria, to which I shall refer a little later.

It will depend upon the will of the American people. If they get the idea that, somehow, we have reached a point where peace "is breaking out all over," and that we can relax and let our guard down, we will be hurt, and will lose our superiority, because that attitude will then be reflected in the attitude of Congress. Therefore, it seems to me that the answer to the question of whether we maintain that superiority will depend upon our attitude—our will and firm determination to protect our deterrent, which has been the means by which we have enjoyed peace. That is my point.

Mr. SYMINGTON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am glad to yield.

Mr. SYMINGTON. I remember that when the former Chairman of the Joint Chiefs of Staff, General Twining, came back from Moscow, after the remark about "burying us," had been made, he said that in his opinion they did not intend to "bury us" in military fashion. So I do not believe there has been any disagreement on that point. The primary effort would be to "bury us" in any way they could. It might very well be done economically.

Mr. JACKSON. But the end result would be the same.

Mr. SYMINGTON. That is correct.

Mr. FULBRIGHT. It would not really be quite the same, though, would it?

Mr. JACKSON. A few more people might be living—but living not as free-men but as slaves.

Mr. SYMINGTON. I should like to ask the Senator from Washington whether, based on the rise in the population and strength of the Red Chinese, he believes that the Soviets would be prone to let their nuclear force deteriorate, especially when they are so outnumbered in manpower by the Chinese.

Mr. JACKSON. As the Senator from Missouri is probably aware, the Russians are expanding their nuclear capability, rather than contracting it.

Mr. SYMINGTON. I should think it would continue, because of the fact that we know that in China things are now moving along these lines; whereas the Russians probably would not have any apprehension about an attack on their

country by the United States. But the Russians might well have apprehension about the possibility that the Chinese Reds would go on the offensive against them, unless they had an adequate nuclear position and the capacity to deliver the weapons.

Mr. JACKSON. I believe there is no question about that.

Mr. MILLER. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am glad to yield.

Mr. MILLER. The Senator from Missouri has just made the very point that I was trying to make earlier: That is, that we can reasonably expect that the Soviets will be spending more money, not less, on their military capability. Therefore, the argument that the motive behind the Soviets' final willingness to approve this treaty stems from the fact that Khrushchev is now subjected to heavy pressures from the Russian people, who want more economic well-being, does not measure up to that fact of military and financial life.

Mr. JACKSON. I should like to comment further, in response to the question the Senator from Iowa has just propounded to me. I thought he was asking me what I thought the Soviets would do in the future. I can only point out that currently they are expanding their nuclear effort, rather than contracting it.

Mr. MILLER. There is no evidence to indicate that they are cutting down their military capability vis-a-vis that of the United States, is there?

Mr. JACKSON. Certainly there is no evidence which would warrant the conclusion that they are reducing their strategic capability. They do cut back from time to time on their ground forces; but later they build them up again. They are expanding their submarine forces and other naval forces; certainly they are expanding their strategic long-range delivery systems; and their nuclear output. Those are facts which I believe we can fairly accurately rely upon.

Mr. MILLER. Is it the Senator's opinion that since they are supposedly behind us in tactical nuclear weapons development, but since they can, over a period of time—as testified to by some of the witnesses before the Preparedness Investigating Subcommittee—catch up by means of stepped-up underground testing programs—probably they will step up their underground testing program, in order to catch up to the United States in the tactical nuclear weapons area?

Mr. JACKSON. Since the end of World War II, their whole effort has been to obtain a balance in their favor, militarily speaking. This is so clear that I do not believe we need to emphasize it. They went all out for the atomic bomb. They went all out for the thermonuclear bomb, and they went all out for the delivery systems—long-range bombers; although they did not build a great many of them. But then they beat us in the vital race to discover the intercontinental ballistic missile. What they have done in space is, I believe, clear. They have a net advantage in that overall area.

Mr. AIKEN. Mr. President, will the Senator from Washington yield?

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Does the Senator from Washington yield to the Senator from Vermont?

Mr. JACKSON. I am glad to yield.

Mr. AIKEN. One factor which I believe may have influenced the Russians' recent change in position as regards the treaty is the fact that the requirements for their domestic economy—for their agriculture, their transportation, and their social life—are astronomical, compared with the requirements of the United States for the same purposes. The people of Russia will not go on forever without shoes; neither will they long be willing to pay \$40 to \$50 for a pair of shoes. They will not go on forever paying \$1.75 a pound for chicken meat or for any other kind of meat. They will not go on forever paying \$2 a dozen for eggs, on earnings of \$100 a month, of which \$20 is promptly taken out for rent. If such conditions continue, there is bound to be wholesale discontent within that country. If the Soviets have to choose between continuing military expenditures at their present level or facing the wrath of an aroused public, I am satisfied that they might use any excuse whatsoever to stabilize their military expenditures, in order to be able to meet the perhaps more dangerous demands of the Russian public, who cannot go on paying \$200 for a coat that would sell for \$50 or \$60 in the United States—which is approximately the present ratio between the costs of living in these two countries. I believe that situation does have a bearing on their willingness to take a small step toward relieving the tensions between Russia and the West, particularly when tensions are rising in other quarters.

Mr. JACKSON. There is no doubt that Khrushchev has growing internal problems within his country.

The point I wish to make again, however, is that we must maintain our military superiority. Let us do nothing that would let the Russians overcome the superiority we now have. The peace has been kept because of the military superiority we have had in relation to the Soviet Union.

Mr. AIKEN. There is no question that they could hold their expenditures at their present level and still retain the power to inflict irreparable damage on the West—just as we could inflict on them.

Furthermore, I know that we cannot reduce our expenditures. Congress would not permit it, and the administration will not ask for it. In fact, the other day, Secretary McNamara told us that he was going to ask for more next year, regardless of the test ban treaty.

How long can we continue to increase our expenditures at the rate of \$4 billion a year, as we have been doing? It may be that we shall have to find some point at which we should level off in our expenditures for military purposes.

I realize the fears on the part of some people who have feared that they might be out of work or out of income. I have



no fear that there would be any such reduction in the military costs of the Government contracts of the United States. Such fears are groundless. From time to time we may divert to other purposes—such as space exploration, which is also of military importance—more funds than we are now expending for that purpose. But I believe that we must stabilize somewhere or at least slow the rate of increase if we can. It will cost a few hundred million dollars to provide the safeguards which will be required as an accessory to the approval of the treaty.

Mr. JACKSON. I do not know what the cost will be. The point is that we need to do whatever is required of us to maintain our military and nuclear superiority.

Mr. AIKEN. That is correct.

Mr. JACKSON. If stabilizing and leveling off will still give us the superiority that is essential to our security and our freedom, surely we wish to see those expenditures level off. But it is a relative matter.

Mr. AIKEN. I do not know what the cost of providing the necessary safeguards will be. I am merely making a rough guess that a few hundred million dollars more will be involved, and we shall have to provide that amount. Whether those safeguards are kept will depend on two things: First, whether the Congress provides the money for them; and second, whether the President applies them once the funds are provided.

Mr. JACKSON. Mr. President, I shall now return to my text.

The commitment to an effective safeguards program needs emphasis now, Mr. President, because voices are already being heard outside Government to the effect that the safeguards should not be implemented and are indeed inconsistent with the spirit of the treaty. For example, the well-known physicist, Dr. Leo Szilard, in a statement submitted to the Foreign Relations Committee, argues that if the United States were to proceed "with an extensive program of underground bomb testing, then, rather than furthering the cause of peace, the test ban agreement would be likely to do just the opposite."

Lest there be a misunderstanding inside or outside Government on this critical issue—a misunderstanding that might seriously interfere with the full execution of the safeguards program—the legislative history being written here should make it clear that the executive branch has given responsible assurances of effective action to carry out the safeguards and that the Senate, through its appropriate committees, will monitor the actions taken for this purpose. In this connection I wish to cite the following passage from the interim report of the Preparedness Investigating Subcommittee:

If the treaty is ratified it is the intention of the Preparedness Investigating Subcommittee to monitor the implementation of the safeguards and it would also be our hope that other committees of the Congress having jurisdiction in these areas would cooperate in this important program.

At this time I wish to single out the distinguished chairman of the Preparedness Investigating Subcommittee, the Senator from Mississippi [Mr. STENNIS] who, for more than a year has been conducting hearings on the problems inherent in a nuclear test ban and arms control. Those hearings have been conducted in the usual way in which he conducts hearings—with great judicial restraint. The effort has been to get the facts, the truth, and the whole truth. In my judgment his service has been invaluable in helping to understand fully the importance of the American deterrent and our military superiority in maintaining the peace.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. ROBERTSON. First, I join the distinguished Senator from Washington in the praise that he has just offered to the distinguished Senator from Mississippi [Mr. STENNIS], who is chairman of the Subcommittee on Investigating Preparedness, which conducted not days, but months, of hearings on this overall program.

Mr. JACKSON. For a whole year.

Mr. ROBERTSON. He has been outstanding in that field.

I also commend the Senator from Washington, because first, for bringing to our attention, the development of atomic energy and atomic bombs and the whole military phase. Last week, before I had the advantage of the report of the committee, I issued a statement. Is it not true that the members of that committee have access to all the top secrets of our Defense Department?

Mr. JACKSON. I think that is a correct statement. We have had access to every bit of information that we have requested. I assume that we have had available to us all important information.

Mr. ROBERTSON. Is it not true that only a minority of the Members of the Senate enjoys the privilege of having access to all military secrets?

Mr. JACKSON. That is correct.

Mr. ROBERTSON. Is it not true that the committee heard testimony which it cannot make public and which will never be made available to the public?

Mr. JACKSON. That is correct.

Mr. ROBERTSON. Is it not true that every member of that committee agreed that the statements of fact, in the committee print—which was a preliminary report because the committee did not have time to get the evidence—were correct?

Mr. JACKSON. That is correct. Two Senators—

Mr. ROBERTSON. They disagreed as to conclusions.

Mr. JACKSON. There is no question about the findings of fact contained in the report. I believe inferences were drawn by two members of the committee that differed from the conclusions reached by others, but the differences were not of great significance as far as the overall report was concerned. One of the Senators, as you know, did not sign the report.

Mr. ROBERTSON. I commend the distinguished Senator from Washington warmly for the work he has done, not only in relation to the test ban treaty but, over a period of years, in the scientific field and in the military field. I know he is as anxious as anyone who is out in front waving the flag for peace to see a peace program which we could honestly and sincerely endorse, provided we are protected from duplicity and being doublecrossed, as we have been in the past—in other words, an agreement that would contain a provision for full and free access and inspection of any disarmament program. Is that correct?

Mr. JACKSON. That is correct.

Mr. ROBERTSON. The Senator is making a significant speech. I am happy to be privileged to hear him. When I heard him mention, our mutual friend the Senator from Mississippi [Mr. STENNIS], and select him for commendation, I interrupted in order that I might also commend the Senator from Washington, because he is an outstanding Senator in every respect. But especially we value his opinion in relation to the military aspects of the treaty. After all, since the treaty is a military treaty, we cannot ignore the military aspects of it. I happen to know, from all the testimony and also inside confidential advice, that not a single military expert has recommended the treaty to us from a military standpoint. Is that correct?

Mr. JACKSON. From a military standpoint, that is correct. There is no doubt that there are military disadvantages to the proposed treaty.

I thank my distinguished friend from Virginia. He is being very modest in his remarks by leaving himself out of consideration. For many years he served as a member of the Committee on Appropriations. He has served as chairman of the subcommittee for the Department of Defense appropriations, and has followed very closely all the defense features. I know that he has had access to sensitive information in connection with our national security and our defense effort.

Mr. President, I believe that the Senate has played a constructive role in this critical matter. The understanding that has been reached between the executive branch and the legislative branch will be helpful in the months ahead. It may be of even more importance when responsibility for national security passes to men who have not been engaged in the consideration of this treaty and its implications.

I have become persuaded in the course of studies of the national security process over the past few years by subcommittees of the Government Operations Committee that a key problem faced by every President is to make his views and intentions prevail throughout the vast organization he heads. His statements have to be interpreted in the course of policy execution, and even subordinates acting in good faith sometimes read their own views into their interpretations of the President's will. I hope and believe that the discussion of safeguards has helped

to bring about the kind of understanding throughout the executive branch that is the key to effective action in harmony with the intentions of the President.

As we approach a decision, I believe that my colleagues may find helpful the opinion of a great American, the distinguished former Secretary of Defense, Robert A. Lovett. Since his retirement as Secretary of Defense, Mr. Lovett has continued to serve the Nation in a number of sensitive assignments and is eminently qualified to advise us and the country on the matter before us. In a letter addressed to the Senator from Arkansas, the chairman of the Foreign Relations Committee, in response to a request for his views, Mr. Lovett states the case for ratification in an admirably balanced way:

On the basis of the testimony so far presented, particularly by the Secretary of State and the Secretary of Defense, there would seem to be positive assurances that this administration has, first, the necessary will and determination to continue our research and developmental laboratories at the level of activity necessary to permit us to retain any nuclear superiority we may currently have and to improve, if possible, our relative position in this field so that our deterrent capability is not lessened by deterioration of either effort or facilities; and, secondly, that our policy, after signing the treaty, will be to continue actively those tests permitted under it and to maintain as insurance a program for atmospheric tests in a status permitting prompt use in the event of abrogation or other emergent events.

Under these conditions—which represent my understanding of definite assurances given by these officials—I believe that consent to ratification can properly be given.

Mr. President, this is also the conclusion I have reached. In light of the testimony that has been given and the understandings that have been reached with respect to the policy of the administration in safeguarding the national interest, and in light of considerations I shall state in a few moments, I believe that the Senate may prudently give its advice and consent to ratification.

I now wish, Mr. President, to indicate the other considerations that have led me to this conclusion. They emerge from the testimony presented to the Preparedness Investigating Subcommittee and to the Foreign Relations Committee and from my own long concern with national security affairs.

First. No responsible official has based his recommendations on the view that basic Soviet purposes have changed. Their purposes remain incompatible with ours. In response to a question of the Senator from Georgia [Mr. RUSSELL], Secretary of State Rusk said:

Mr. Khrushchev has made it very clear that there is no such thing as ideological co-existence. His purposes remain to work toward a Communist world. And that is deeply obnoxious as an idea to us, and the practices which would be used to pursue that idea would be hostile to our own interests.

Second. No responsible official has disputed the view that in the future, as in the past, our national security will depend on, among other things, a favorable military position. In response to a question of mine addressed to Secretary Rusk, the following exchange took place:

Secretary Rusk. Senator, I believe that the United States must maintain in its own security interests a very large overall nuclear superiority with respect to the Soviet Union. This involves primarily the capacity to demonstrate that regardless of who strikes first, the United States will be in a position effectively to destroy an aggressor.

Senator JACKSON. I am glad to hear you say we should maintain not a balanced but a superior position in order to maintain peace. Is this essentially your view?

Secretary Rusk. That is correct, sir.

Third. No responsible official has rested the case for the treaty on a belief that the Soviet Government can be trusted. The Senator from Alabama [Mr. SPARKMAN] raised this issue, which troubles many Senators as well as many citizens who have written to us about the treaty, and was assured by Secretary Rusk that the treaty did not rest upon the element of faith and trust. The Secretary added:

We will know if there are significant violations of this treaty, we will be free to do whatever is necessary in our own security, and I would think that this is not a matter of trust.

Fourth. Secretary of Defense McNamara and the Joint Chiefs have testified that the balance of military power is in our favor at the present moment.

Fifth. With respect to the effects of the treaty on the future balance of military power, we enter, of course, a more controversial area. Although the views are not necessarily inconsistent, there are notable differences of emphasis. Secretary McNamara believes that there is nothing in the treaty which will shift the balance. The Joint Chiefs, according to testimony to the Foreign Relations Committee by General LeMay, examined the military and technical aspects of the treaty and came up with a net disadvantage in that field, but as General Taylor stated:

The Joint Chiefs have reached the determination that while there are military disadvantages to the treaty, they are not so serious as to render it unacceptable.

General Power and General Schriever, however, attached greater importance to the military and technical disadvantages in their testimony to the Preparedness Investigating Subcommittee. And I think it is correct to say that scientists holding responsible posts recognize that the treaty definitely imposes limitations on research and development, though they differ greatly in their views about the desirability of the treaty.

From the evidence presented to the Senate I am compelled to conclude, as indicated in the interim report of the Preparedness Subcommittee, that the treaty involves serious—perhaps even formidable—military and technical disadvantages. It should also be added, in the words of that report, that:

No safeguards can provide the benefits of testing where testing is not permitted, nor can they assure that this Nation will acquire the highest quality weapons systems of which it is capable when the means for achieving that objective are denied.

Mr. President, I have followed military, scientific, and technological developments with interest and care during my service in the House and in the Sen-

ate. I have great respect for the views of those men who, like General Power and General Schriever and like Dr. Foster and Dr. Teller, have serious doubts about the wisdom of this treaty or who actually oppose its ratification. But I am also convinced that these men, and the many others who work with them, are men of dedication, imagination, and ingenuity, and that they will employ these qualities to offset insofar as it is possible the undoubted military and technical disadvantages. It is indeed in large part because men of their talents will be devoting their energies to ways to overcome these disadvantages that I believe we can accept the risks we necessarily will run.

Sixth. The administration in effect recommends acceptance of certain military and technical disadvantages and their attendant risks in the hope that certain gains may be made in other fields. Upon examination, these hoped-for gains are either rather precise but insubstantial or they are quite difficult to specify but hopefully significant. Secretary Rusk testified as follows:

This is a limited treaty. The President listed the things it does not do, and we must keep them in mind in judging its significance. At the same time, if—as seems likely—most of the nations of the world adhere to the treaty, and if they observe its obligations, this will in itself bring concrete gains.

First, the United States and the Soviet Union already have enough nuclear power to inflict enormous destruction on each other. Still, the search for bigger, more destructive weapons goes on. Each generation of major weapons has been more expensive than the last. Each has involved an increasing burden, an increasing diversion of resources from the great unfinished business of mankind. Yet greater armament has not demonstrably brought greater security. The treaty, if observed, should slow this spiral, without damage to our relative strength.

I do not know, however, how to reconcile this alleged gain with Secretary McNamara's testimony, already cited, where the possible need for additional appropriations for greater numbers of delivery systems and radars and wider dispersal is brought out. It is my conclusion that it would be a mistake to count on any reduction of the armament burden as a result of this treaty. On the contrary, the evidence points to an increase in the burden.

Secretary Rusk's testimony continues:

Second, the treaty will help contain the spread of nuclear weapons. We cannot guarantee it. Most of the countries with the capacity and the incentive to develop nuclear weapons over the next decade or so have already announced that they will accept the self-denying ordinance of the treaty. These countries do not include, by the way, mainland China or France.

While this does not guarantee that they will never become nuclear powers, their renunciation of atmospheric testing will act as a deterrent by making it much more difficult and expensive for them to develop nuclear weapons.

Efforts to limit the spread of nuclear weapons deserve our serious attention. But I believe the role of the treaty in inhibiting proliferation has been generally overestimated. Most of the countries that have signed the test ban, or will

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sign it, do not have the capacity or desire to develop nuclear weapons. France, it should be noted, is already regarded by the administration as a nuclear power and is proceeding with an independent nuclear program. The major concern we have is with the development of nuclear capabilities by Communist China, which has rejected the treaty. I doubt that anyone wishes to argue that something called world opinion is likely to have an inhibiting effect on the determination of Peiping to become a nuclear power.

Secretary Rusk's testimony continues:

Third, the treaty will reduce the radioactive pollution of the planet. The increased radioactivity from nuclear testing has thus far stayed within tolerable limits, in a statistical sense. But as the President said: "This is not a natural hazard, and it is not a statistical issue."

Moreover, if testing were not restricted, more and more countries would conduct tests. Many of them would lack either the incentive or the means to minimize the fallout. We have a high obligation to safeguard life and health and the genetic integrity of the human race. Today no one can say for certain how much fallout is too much. But if this treaty is observed it will go a long way to assure that we do not transgress those limits.

There is little doubt, I believe, that this argument weighs heavily in the public mind. But unpopular though it may be to say so, there is also little doubt that the fears that have been aroused are out of all proportion to the hazards. Other things being equal, we should of course minimize fallout. But if other things are not equal, and they may not be, we may be compelled at some future date to accept the small hazards of fallout to protect ourselves against larger hazards to peace and security. Nevertheless, I believe that it is proper to conclude that the reduction of fallout is a positive advantage of the treaty.

Secretary Rusk comes next to his last and most important point:

For 18 years we have held the Communist drive in check largely by the deterrent force of our massive military strength. We shall maintain that overwhelming strength until we are certain that freedom can be assured by other means.

But throughout we have known that a lasting peace could not be founded upon armed might alone. It can be secured only by durable international institutions, and by a respect for law and its procedures.

The problem has been to convince the Communist world that its interest also lay in that direction.

The most important thing about the treaty is, therefore, what it may symbolize and what new paths it may open. That, no one can now foretell.

Almost at once, however, in response to a question of Senator RUSSELL's Secretary Rusk put this, his fourth and, in his eyes, his most important point, in perspective in these words:

We have pressing issues with the Communist world in one form or another right around the globe, with almost a million men in uniform outside the continental limits of the United States because of these issues, in Laos, South Vietnam, Cuba, Berlin, and other places. There are other practices, some of them bilateral in character, which do cause friction. I do not anticipate, to come specifically to your question, sir, I do not anticipate that there is much chance or much wis-

dom in an attempted comprehensive negotiation. It would not be for Washington and Moscow to try to sit down in some way and resolve all of these problems or even try to resolve them because the interests of many, many nations are involved and, quite frankly, the total question is probably too big to take hold of all at once.

And so despite the fact that there are some highly inflammable questions we still think we ought to keep open the possibility of finding particular points of agreement in the hope that if those can be achieved, it might reduce the fever somewhat and throw some different atmosphere and light on some of the more dangerous problems so we would be prepared to consider other questions.

At the moment I cannot report that there is another question which is highly promising at this—as of today.

I repeat, Mr. President, that we are being asked to accept certain military and technological disadvantages in the hope of making certain small gains and of opening up new paths, though the Secretary cannot see, as of today, any issues which may be negotiable. The Secretary is to be commended for his frank statement. He has not encouraged great expectations.

But hope, Mr. President, is not to be dismissed as a basis for action, even the slender hope held out by Secretary Rusk. It is largely because we are deeply committed as a nation to do what we can to keep alive the hopes of men everywhere for a decent future—including, I trust, the peoples of Russia and China—that we shall ratify this treaty.

In doing so, what are the risks we run? Let me emphasize five among the many that might be mentioned.

First. There is the risk that we will relax and fall back into a state which the Senate has learned to call euphoria—which is, if I may play the same game, a state in which one believes that he has serendipity and is therefore likely to display velleity for vigorous action.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. DOUGLAS. I am really quite impressed with the language which the Senator from Washington uses in this paragraph. He has given currency to a word which is being widely used at present—euphoria. Now he has sprung upon the public these other two multisyllabic and revatively unknown words—"serendipity" and "velleity."

As I read these words I wondered at first where they came from. Then I remembered that they were probably launched upon the world by the English writer Horace Walpole, who was the founder or originator of the so-called Gothic novel, notably the Castle of Otranto. He lived on Strawberry Hill on the estate outside of London which he had inherited from his father, Sir Robert Walpole, who had been Prime Minister of England and probably the greatest corruptionist in the history of England. His father had accumulated a fortune which he passed on to Horace. Horace Walpole built himself, on Strawberry Hill, a Gothic castle similar to our Smithsonian Institute and originated a literary style as Gothic and as elaborate as the castle in which he lived. I do not know why the term "euphoria" is being given modern circulation. It may have

been originated by the military. Is that true? I mean the modern usage of euphoria.

Mr. JACKSON. The current use of this word appears to originate with the military.

Mr. DOUGLAS. Apparently military men are becoming writing men. I would remark that Horace Walpole was not a fighting man, but a writing man; in fact, he was quite a sessile man—if I may also spring an archaic word—who considered movement of any kind to be distasteful.

Mr. JACKSON. I point out to my friend that there are now quite a number of Ph. D.'s in military uniform. This may account for some of the change.

Mr. DOUGLAS. It is fine to have a literary background, but we should not substitute writing for being ready to fight in defense of freedom. That is all I wish to say.

Mr. JACKSON. The Senator is entirely correct.

In this regard, our previous record as a Nation is not too reassuring. On occasions when we should have stayed awake, we went to sleep. Through half-hearted support and the pinching effect of the budget, critical programs have been degraded and vital policies stifled.

My good friend, the distinguished Senator from Minnesota, has said we need hoppers, not doubters. I wonder whether he would accept a change of emphasis. We need men of hope and skepticism and action. Skepticism, not cynicism.

Our task, as I see it, is, while-remaining skeptical, to act with hope and pursue those policies which may safeguard the opportunities to move the world along a path toward peace.

Second, there may be a serious misjudgment of the basis for the change in Soviet policy.

It is to be hoped that it is in fact our strength and not a major Soviet military-technological advance that has persuaded Moscow that this agreement is advantageous. But the pessimistic possibility cannot be dismissed. It could be, as some witnesses suggested, that the Soviet Union has learned something important that, in its judgment, we do not know but might learn were we free to continue testing in any and all environments. The Soviet Government may believe that what it has learned can be the basis, as its development work proceeds, for upsetting the military balance.

If we come to the conclusion at any time that this is the case, we must be prepared to exercise our right of withdrawal from the treaty.

Third, we run the risk of planned abrogation of the treaty by the Soviet Union. The safeguards program is designed among other things to enable us to take necessary measures promptly in the event of Soviet bad faith.

Fourth, it is generally conceded that the Communist Chinese are now engaged in a substantial nuclear weapons program and that in the very near future they will be testing in the atmosphere. The advent of this new unchecked nuclear power may well require us to withdraw from the agreement.



Fifth, it is altogether possible and indeed, in my opinion, probable that a group of nations, with Soviet encouragement, will seek to amend the treaty in the not distant future so as to ban underground tests without inspection or with wholly inadequate arrangements for inspection. In this connection I noted with interest the statement of former Ambassador Dean to the Foreign Relations Committee:

We will undoubtedly be urged, in the spirit of amity and good will, to halt underground testing. But in my judgment without an adequate and effective treaty banning underground tests this would be a tragic mistake.

We may find ourselves under strong pressure in the months ahead to accept an amendment to the treaty banning underground tests without satisfactory inspection. We must be prepared to take our knocks, if necessary, and remain firm in our resolve that a ban on underground tests must be conditioned on fully satisfactory arrangements for inspection. I trust that the Department of State will be alert in this danger and will do what it can to forestall an effort to isolate the United States on this matter.

It is my belief that these and other risks that we will inevitably run under this agreement are tolerable: Provided, that it is firm national policy to keep alert and to protect the present and future credibility of our military deterrent; and provided, furthermore, that it is firm national policy to use the protections provided in the treaty when, as, and if needed to guard vital national interests, including the right of withdrawal and the right to exercise the veto by withholding our consent under article 2 to any attempt to change the treaty by amendment in a form imperiling our vital interests. These protections constitute our explicit rights under the agreement, they form a basic part of the document, we deliberately had them included, and we should be ready to exercise them if emergent events so require.

Mr. President, the essence of my view on this treaty, which has been referred to as a limited treaty, is that it is indeed limited. Actually it is not a treaty, but a loose commitment, a statement of present intentions of the parties not to engage in nuclear weapon test explosions in the atmosphere, in outer space or under water. This Nation's commitment will rest on the assumption that certain conditions are met—including the condition that the supreme interests of this Nation are not jeopardized. Should those interests be jeopardized we shall be released from our commitment.

In conclusion, Mr. President, the national security interests of this country are of course deeply involved in a number of other situations quite apart from this treaty.

For example, the development of NATO and the obvious efforts of France to reduce its importance; the question of economic and political relations between the European Common Market and other Western European countries, especially the United Kingdom; the strengthening of the international position of the dollar; the security of West

Berlin; the removal of Soviet forces from Cuba, and the neutralization of Cuba as a base for Communist subversion and penetration in the Western Hemisphere; the question of American policy in southeast Asia, particularly Vietnam; and the question of appropriate American policy toward the developing nations of Asia, Africa, and Latin America.

This series of problems certainly gives us no excuse to relax.

If this debate helps, the people of the United States really understand what they have to do to provide for the safety of the Nation and the preservation of their freedoms, then any time and attention given to this test ban agreement is well spent. The Senate will have done what it can to put the treaty in the proper perspective.

Mr. President, I ask unanimous consent to have printed at this point in the Record various memorandums, including questions about a limited test ban treaty that I asked on the Senate floor on August 9; the motion that I made in the Preparedness Committee, and letters on the safeguards we received from Deputy Secretary of Defense Gilpatric and General Taylor, including the criteria that General Taylor enclosed in his letter.

There being no objection, the material was ordered to be printed in the Record, as follows:

#### QUESTIONS ON THE LIMITED TEST BAN TREATY

(By Senator JACKSON, on Senate floor, August 9, 1963)

1. Can the United States afford a position of parity or equality with the Soviet Union in nuclear weapons technology and systems? Does the United States require for an effective deterrent a margin of safety and superiority in these matters in view of Soviet secrecy?

2. In what areas of strategic and defensive nuclear weapons systems do the Soviets know as much or more than we do? In what areas of nuclear weapons research and weapons effect must we progress in order to protect and maintain our deterrent?

3. Can we make the progress necessary to protect and maintain our deterrent by underground testing within the limitations of the proposed treaty?

For example: (a) What steps are possible within the terms of the treaty to determine and evaluate the military effectiveness of the very high yield Soviet thermonuclear weapons, and to devise means of defending free world civilian populations and retaliatory weapons systems against their use by the Soviet Union? (b) What steps are possible under the treaty to obtain information on the effects of Soviet nuclear weapons on our new deterrent military weapons systems, including the ability of our missile launch complexes to survive a Soviet first strike, the ability of our missile warheads to penetrate a Soviet nuclear defense, and the ability of our vital military communications, radar and other systems to survive and to function under Soviet nuclear attack? (c) Is an effective anti-ICBM system achievable? Can an effective anti-ICBM system be designed and deployed without atmospheric testing?

4. What assurances will we be given that all the experiments involving testing permissible under the treaty and required by our nuclear weapons research laboratories will go forward in a vigorous and sustained manner, and not be stifled by the qualified, halfhearted, stop-and-go support characteristic of the recent past?

5. What steps will be taken to deal with the possibility of a planned abrogation of the treaty by the Soviets—that is, the possible use of the treaty by Moscow to degrade our laboratory programs in nuclear research and our test organizations while secretly preparing to abrogate the treaty and carry out another massive atmospheric test series? What steps will be taken to give us an immediate standby capability for atmospheric testing?

6. What assurances will we be given that our weapons laboratories will have full and wholehearted support, so that the budgets of the laboratories will be adequate, the morale in the laboratories will remain high, and the best men will not drift away to more attractive positions?

7. What can and will be done to deal with the new difficulties in information-gathering which would reinforce the difficulties already imposed on the free world by the closed Soviet society? Will a special effort be made to obtain information on possible secret Soviet preparations for atmospheric testing?

8. What is the capability of our nuclear test detection systems for the atmosphere, high altitude, outer space, and underwater? What would be the effect of the proposed test ban treaty on our capacity to improve nuclear test detection systems? What steps will be taken to improve these systems within the limitations of the proposed treaty?

#### MOTION BY SENATOR JACKSON

(Adopted by the Preparedness Investigating Subcommittee on August 14, and by the Armed Services Committee on August 15.)

I move that the Joint Chiefs of Staff submit to the Senate Armed Services Committee as soon as possible and in any event prior to committee action on the test ban treaty, a statement of the specific requirements to implement the safeguards proposed by the Joint Chiefs for reducing the risks and disadvantages of the limited test ban treaty, which safeguards are set forth in the statement presented by the Chairman of the Joint Chiefs of Staff to this committee on August 14, 1963, as follows:

"11. Recognizing the foregoing disadvantages and risks, the Joint Chiefs of Staff believe that they can be reduced through certain safeguards. These safeguards include:

"(a) The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

"(b) The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends.

"(c) The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union.

"(d) The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements."

#### THE DEPUTY SECRETARY OF DEFENSE,

Washington, D.C., August 23, 1963.

Hon. RICHARD B. RUSSELL,  
Chairman, Committee on Armed Services,  
U.S. Senate.

DEAR MR. CHAIRMAN: This letter responds to your letter of August 15 transmitting the motion adopted by the Preparedness Investigating Subcommittee on August 14 asking for information on the four safeguards that



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will be maintained by the administration in order to avoid injury to our national security in connection with the test ban treaty.

As the chairman of the subcommittee recognized in his colloquy with General Taylor on August 14 when the motion was under discussion, the matters referred to in the motion not only transcend the responsibilities of the Joint Chiefs of Staff but also transcend the responsibility of the Department of Defense. For that reason, this reply has been prepared after obtaining advice from the Joint Chiefs of Staff and after consultation with the Atomic Energy Commission, the Central Intelligence Agency, and the Arms Control and Disarmament Agency.

When the motion was under discussion in the August 14 hearing of the Preparedness Investigating Subcommittee, it was recognized that the response, dealing with the four subjects, would have to be primarily in terms of the criteria or standards which are guiding the executive branch. I am glad to bring together here in one document the extensive assurances which have been given on the four subjects by the President, and by the Secretary of Defense, and the Chairman of the Atomic Energy Commission. Furthermore, we have included here, or in a separate classified annex where appropriate, specific detail and explanation in an effort to be as fully responsive as time and circumstances permit.

Safeguard (a): "The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future."

On this subject, the President, in his message of August 8, 1963, transmitting the treaty to the Senate, said: "The United States has more experience in underground testing than any other nation; and we intend to use this capacity to maintain the adequacy of our arsenal. Our atomic laboratories will maintain an active development program, including underground testing, and we will be ready to resume testing in the atmosphere if necessary. Continued research on developing the peaceful uses of atomic energy will be possible through underground testing." Later in the same message, the President referred to "our determination to maintain our own arsenal through underground tests." In his press conference last Tuesday, the President described the program of the last 2 years and added: "[W]e are going to continue to carry on, as I've said, a vigorous series of tests."

Secretary McNamara and Dr. Seaborg, in their testimony before the Senate Foreign Relations Committee on August 13 and 14, reiterated these points and elaborated on them. General Taylor, in his testimony on August 15 before the same committee, testified that the President's position on this matter had been effectively communicated.

The underground test program will expand over that currently programmed for fiscal year 1964. Details of the program are set forth in the separate, classified annex.

The Government will apply the following criteria, or standards, in the area of underground testing:

The underground test program will be comprehensive. Therefore, it will be revised to include as many as feasible of the objectives of the tests which we would otherwise do under conditions of unrestricted testing.

The underground test program will be vigorous. It will proceed at a pace that will exploit to the fullest the capabilities of existing AEC and DOD weapons laboratories. If these capabilities are proved to be inadequate to meet established requirements, they will be expanded.

The underground test program will be a continuing program designed to insure the highest practicable rate of progress in nuclear technology.

The standards established governing the type and magnitude of tests to be conducted will not be more restrictive than the spirit of the treaty limitations.

Safeguard (b): "The maintenance of modern nuclear laboratory facilities and program in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends."

There are three major facilities in which programs in theoretical and experimental nuclear warhead design technology are currently conducted and seven major DOD laboratories engaged in nuclear weapons effects research. The AEC facilities operating under contract with the Atomic Energy Commission are:

Los Alamos Scientific Laboratory, Los Alamos, N. Mex.

Lawrence Radiation Laboratory, Livermore, Calif.

Sandia Laboratory, Albuquerque, N. Mex. The major DOD laboratories are:

Air Force Cambridge Research Laboratory, Bedford, Mass.

Air Force Weapons Laboratory, Kirtland Air Force Base, N. Mex.

Armed Forces Radiobiological Research Institute, Bethesda, Md.

Ballistics Research Laboratory, Aberdeen, Md.

Naval Ordnance Laboratory, White Oak, Md.

Naval Radiological Defense Laboratory, San Francisco, Calif.

Nuclear Defense Laboratory, Edgewood, Md.

Efforts to "attract, retain, and insure the continued application of our human scientific resources" to the programs of these Laboratories depend primarily on their authorized programs and their equipment and facilities.

The AEC laboratories have been conducting programs of research in chemistry, physics, metallurgy, computer technology, and biological sciences, in addition to their major efforts in the design and development of nuclear weapons. They are also conducting development and exploration in applied nuclear physics such as reactors, controlled thermonuclear reactions, peaceful uses of nuclear explosives, nuclear propelled rockets and the development of a nuclear ramjet.

The DOD laboratories have been conducting programs of basic research in the nuclear weapons effects areas which have military applications. In addition to making effects measurements during nuclear test series, research includes studies of airblast effects on ground equipment and aerospace systems, initial nuclear radiation measurements, shielding effects, protective structures, biomedical effects, underwater effects, electromagnetic effects, and integrated effects and phenomena.

To support all of these studies extensive simulation techniques and computer facilities are used.

These activities are expected to be more than sufficient to provide the necessary stimulus and challenge to attract and retain first-rate scientific talent.

The next most important requirement after the quality of the research program necessary to maintain laboratory vitality is the physical plant with which the scientists must work. A continuous program of upgrading equipment and facilities has been underway at these laboratories since their inception, and this program is planned to continue. The approximate capital investment at each of the laboratories at the end of fiscal year 1963 was: Los Alamos, \$226 million; Lawrence Radiation Laboratory, Livermore, \$118 million; and Sandia, \$122 million. The approximate capital investment in support of the weapons effects pro-

gram of the seven major DOD weapons effects laboratories is \$153 million.

Some important facilities are now under construction at the laboratories or are awaiting fiscal year 1964 appropriations. If additional facilities should be needed at these installations in order to carry out the vigorous and imaginative testing program which we have discussed, funds for such facilities will be requested.

In addition to program and facilities development, the laboratories have aggressive personnel development activities including provision for in-service training, sabbatical leave, and outside educational opportunities at affiliated universities.

The President, Secretary McNamara, and Dr. Seaborg have all expressed the firm commitment of the administration to maintaining the quality and the vitality of our weapons laboratories.

The President in his press conference last Tuesday referred specifically to the safeguard "that we should keep our laboratories activated and vital." He said, "I've already met with Dr. Foster and Dr. Bradbury; we have talked with others. We are going to do that."

Our standards in this area will be as follows:

Adequate AEC and DOD budgets, modern facilities, and positive personnel policies will be maintained and augmented as necessary in order to attract and retain competent scientists in nuclear and related fields.

Broad and forward-looking research programs will be carried on which will attract and retain able and imaginative personnel capable of insuring the highest practicable rate of progress that can be attained in all avenues of potential value to our offensive and defensive posture.

Safeguard (c): "The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union."

The following steps are illustrative of what has been done and what is being done in this important area:

Improvement of test support facilities, including preparation and maintenance of off-continent support bases and test sites, is now underway. Approximately \$55 million is now committed by AEC and DOD for fiscal year 1963 and fiscal year 1964 for improvements to Johnston Island to provide a partial overseas test capability.

To provide an airborne nuclear test capability, suitable for most weapons proof and development tests, the following needs are being satisfied: Diagnostic aircraft (being accomplished by AEC and DOD); instrumented device or weapon drop aircraft (being accomplished by AEC and DOD); sampler and other support aircraft available from the Air Force on short notice (being accomplished by DOD); suitable operating bases on Johnston Island for surveillance, weather, sampler, and sampler return aircraft (joint AEC-DOD construction underway), and in the Hawaiian area.

For a high-altitude nuclear weapons effects test capability the following steps are being taken: An overseas base at Johnston Island with adequate area and suitable facilities to support the tests, such as rocket launch pads, assembly areas, etc. (joint AEC-DOD construction underway); instrumented ships and aircraft available on short notice from the Navy and Air Force.

Further, the AEC and DOD test organization—the Nevada operations office and the Defense Atomic Support Agency, including a nucleus joint task force—will be maintained at strength. This task force will be somewhat larger than the standby unit currently maintained.

It is planned that the regular continuing laboratory programs will include develop-

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ment of those devices which may at some time require atmospheric testing; that the laboratories will be encouraged to carry their ideas and studies to the point where final device construction can be achieved in a time comparable to the time necessary to implement an actual atmospheric test should such tests be authorized; and that development of instruments needed for support of an atmospheric test program will be continued by the laboratories.

The President has assured the Nation that a high state of readiness to test will be maintained. In his television address on July 26, he announced, "[S]ecret preparations for a sudden withdrawal are possible, and, thus, our own vigilance and strength must be maintained, as we remain ready to withdraw, and to resume all forms of testing, if we must." And in his message transmitting the treaty to the Senate he stated, "[W]e will be ready to resume testing in the atmosphere if necessary." He amplified the point in his press conference, last Tuesday, stating, "Already we have begun to prepare Johnston Island for that unhappy eventuality, if it should occur. \* \* \* [W]e are dredging the harbor, we're building some piers; there are \* \* \* two dredges already out there, so I can assure you that we are going ahead very rapidly in that area."

The position was supported by Secretary McNamara before the Senate Foreign Relations Committee on August 13. Dr. Seaborg's remarks on August 14 were to the same effect.

On being asked how long after a treaty violation it would take the United States to begin testing, the Secretary of Defense gave the following reaction times as the objectives to be attained: Proof tests within 2 months from the decision to test, development tests within 3 months from the decision to test, and effects tests within 6 months from the decision to test. He explained that such an effects-tests readiness posture—the most difficult one to maintain—could be achieved by about a year from now.

With regard to logistics and finances, Secretary McNamara emphasized that it was important to keep up and expand the facilities on Johnston Island. He reminded that "we can provide a standby capability by utilization of the approximately \$200 million in funds that the Atomic Energy Commission and the Defense Department have requested for fiscal 1964 for test purposes, and by possible supplements to those funds for further standby facilities."

The programs are designed to meet the following criteria with respect to the maintenance of a readiness-to-test posture:

The readiness-to-test program will be established on a Government-wide basis in support of a plan common to all participating agencies. The required resources and facilities will be maintained in a state of readiness, or earmarked, so that plans can be implemented within the reaction times established.

Reaction times for resumption of testing in the prohibited environments will be established and maintained within the constraints of military requirements and reasonable costs. Reaction times will vary for the broad categories of testing. As an immediate objective, we should be able to conduct proof tests of weapons in stockpile in about 2 months; operational systems tests in about 2 to 3 months; weapons development tests in about 3 months; and weapons effects tests in about 6 months.

There will be provision for periodic updating of our test program plan and for checking our readiness to test.

Safeguard (d): "The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our

knowledge of Sino-Soviet nuclear activity, capabilities, and achievements."

The United States now has substantial capabilities to detect, identify, and to some extent diagnose nuclear tests. These capabilities exist in the resources of our conventional intelligence community and in the resources of the atomic energy detection system (AEDS).

The role played by the intelligence community was discussed with the Senate Foreign Relations Committee on August 16 and with the Senate Preparedness Investigating Subcommittee on May 22 by Mr. McCone, Director of Central Intelligence. The intelligence community, under the direction of the U.S. Intelligence Board has increased its activities and will continue to increase its activities to cope with the new conditions under the treaty.

Secretary McNamara, in his testimony before the Senate Foreign Relations Committee on August 13, stated that: "Our examination concluded that the Soviet Union could obtain no major results by testing in the atmosphere and deep space or underwater without incurring high risk of detection and identification." He pointed out that "the only advantages of illegal testing in the three prohibited environments would be either to develop weapons with yields in the multimegaton range (since designs for weapons with yields up to 10 megatons or more can be checked by lower yield tests underground) or to determine the weapons effects of explosions which cannot be carried out at all, or not so well, underground. There will probably be no cost advantage to illegal testing in the prohibited environments because keeping the tests secret will add to the expense and difficulty of the experiments." In answer to a question about the future, Secretary McNamara referred to augmentations of the detection and identification system which have already been approved and to further augmentations which are under consideration—expanding upon the statement of the President in his message of August 8 transmitting the treaty to the Senate: "There is further assurance against clandestine testing in our ability to develop and deploy additional means of detection \* \* \*"

Dr. Seaborg, in his summary before the same committee on August 14, said that "systems to detect possible violation of the treaty will be maintained and continually improved."

The administration—as indicated in the detailed testimony of Defense and ACDA officials before the Senate Preparedness Investigating Subcommittee on May 9 and 15—has under consideration proposals by which our present AEDS resources can be augmented to enhance our capabilities. The proposals now being reviewed are summarized in the separate, classified annex.

The standards for the program and plans are these:

The current capability of the United States to detect and identify nuclear tests conducted by the Sino-Soviet bloc will be improved to a degree which is both feasible and remunerative. (Specific proposals for this purpose are currently under consideration.)

A vigorous research and development program will be pursued in order to improve equipments and techniques for nuclear test detection and identification.

Conventional intelligence sources will continue to complement the scientific intelligence techniques.

In conclusion, the following additional important factors must be borne in mind in connection with the concern about clandestine tests: First, the possibility of Soviet clandestine tests is lessened by the fact that they can test legally underground. Second, although there can be no guarantee

that we will be able to identify all possible violations of the treaty, the Soviets cannot guarantee that we will not identify such violations. Put another way, the Soviets will never be sure of the threshold for successful evasion of our expanding and improving detection system. And, third, as the President stated in his message to the Senate of August 8, we are determined to maintain our own arsenal through underground testing and our readiness to resume atmospheric testing if the actions of others so require.

In summary, Mr. Chairman, I believe, and I trust you will agree, that the major decisions of policy have already been made and that executive action under these decisions is already going forward. I am assured—and I can assure you—that if further decisions and actions are needed, the President will take them.

Since the matters discussed above were also raised during the hearings before the Foreign Relations Committee on the test ban treaty, a copy of this letter is being furnished also to the chairman of that committee. In addition, since the contents of this letter are pertinent to an earlier inquiry from the Joint Committee on Atomic Energy, a copy is being furnished to the chairman of that committee as well.

Sincerely,

ROSWELL GILPATRIC.

THE JOINT CHIEFS OF STAFF,  
Washington, D.C., August 23, 1963.

HON. RICHARD B. RUSSELL,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to the request of your committee transmitted to the Secretary of Defense on August 15, the Joint Chiefs of Staff have developed criteria for testing the adequacy of plans and programs in support of the treaty safeguards included in their statement on the limited test ban treaty made to the Preparedness Investigating Subcommittee. These criteria, attached hereto, are necessarily general in language since additional study will be required to determine specific standards and programs for underground testing, for the stimulation of nuclear laboratory activities, for the standby preparations for nuclear tests in the atmosphere, and for the improvement of our capability to detect clandestine testing.

The Joint Chiefs of Staff recommended the inclusion of this statement of criteria in the letter of the Deputy Secretary of Defense dated August 23, which has been transmitted to you in further response to the request of August 15 mentioned above. They consider that the actions described in Deputy Secretary Gilpatric's letter meet the requirements as presently foreseen for implementing the safeguards proposed by the Joint Chiefs of Staff to reduce the risks and disadvantages of the test ban treaty.

We appreciate this opportunity to amplify for your committee our views on this important issue.

Sincerely yours,

MAXWELL D. TAYLOR,  
Chairman, Joint Chiefs of Staff.

#### CRITERIA TO INSURE FULFILLMENT OF THE SAFEGUARDS PROPOSED BY THE JOINT CHIEFS OF STAFF WITH REGARD TO THE LIMITED NUCLEAR TEST BAN TREATY

Listed below are the four safeguards and the recommended criteria which should be employed in subsequent examination of programs designed to insure that each of the safeguards is fulfilled.

A. "The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas

of significance to our military posture for the future."

#### 1. CRITERIA

(a) The underground test program should be comprehensive. Therefore, it should be revised to include as many as feasible of the objectives of the tests which we would otherwise do under conditions of unrestricted testing.

(b) The underground test program should be vigorous. It should proceed at a pace that will exploit to the fullest the capabilities of existing AEC and DOD weapons laboratories. If these capabilities are proved to be inadequate to meet established requirements, they should be expanded.

(c) The underground test program should be a continuing program designed to insure the highest practicable rate of progress in nuclear technology.

(d) The standards established governing the type and magnitude of tests to be conducted should not be more restrictive than the spirit of the treaty limitations.

B. "The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends."

#### 1. CRITERIA

(a) Adequate AEC and DOD budgets, modern facilities, and positive personnel policies should be maintained and augmented as necessary in order to attract and retain competent scientists in nuclear and related fields.

(b) Broad and forward-looking research programs should be carried on which will attract and retain able and imaginative personnel capable of insuring the highest practicable rate of progress that can be attained in all avenues of potential value to our offensive and defensive posture.

C. "The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union."

#### 1. CRITERIA

(a) The readiness-to-test program should be established on a governmentwide basis in support of a plan common to all participating agencies. The required resources and facilities should be maintained in a state of readiness, or earmarked, so that plans can be implemented within the reaction times established.

(b) Reaction times for resumption of testing in the prohibited environments must be established and maintained within the constraints of military requirements and reasonable costs. Reaction times will vary for the broad categories of testing. As an immediate objective, we should be able to conduct proof tests of weapons in stockpile in about 2 months; operational systems tests in about 2 to 3 months; weapon development tests in about 3 months; and weapon effects tests in about 6 months.

(c) There must be provision for periodic updating of our test program plan and for checking our readiness to test.

D. "The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements."

#### 1. CRITERIA

(a) The current capability of the United States to detect and identify nuclear tests conducted by the Sino-Soviet bloc must be improved to the extent it is both feasible and remunerative. (Specific proposals for this purpose are currently under consideration.)

(b) A vigorous research and development program must be pursued in order to improve equipments and techniques for nuclear test detection and identification.

(c) Conventional intelligence sources must continue to complement the scientific intelligence techniques.

Mr. ROBERTSON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield to the Senator from Virginia.

Mr. ROBERTSON. Again, I commend the distinguished Senator from Washington upon an able discussion of the pros and cons of a vital issue. I was happy that the former college professor, now the distinguished economist from Illinois [Mr. DOUGLAS], recognized the quotation from an English writer. Earlier in the debate, the distinguished minority leader [Mr. DIRKSEN] indicated that Benjamin Franklin had paraphrased a remark by Hamlet. At the Constitutional Convention, when the members were not making much headway in forming a more perfect union, Franklin said:

In this emergency, when we are grasping in the dark to perceive political truth and are scarce able to perceive it when presented to us, why has it not occurred to us to ask the Father of Light to illumine our understanding?

Then he went on to say:

I have lived, sir, for a long time; and the longer I live, the more convinced I have become of the fact that God governs in the affairs of men.

I used to know something about Shakespeare, but I must have read a misquotation of Hamlet, for I have frequently said, "There is a destiny." But the Senator from Illinois [Mr. DIRKSEN] correctly quoted Hamlet as saying:

There's a divinity that shapes our ends,  
Rough-hew them how we will.

I wish to ask the distinguished Senator from Washington a question. He has correctly outlined the military disadvantages, and has called upon the Secretary of State to do certain things. He has called upon the Department of Defense to carry out the reservations of the Chiefs of Staff, as voiced by General Taylor. Last but not least, he said that we can get from under the treaty if we find we have a noose around our neck.

I think there is a great popular demand for the treaty, on the assumption that it is a step toward peace. But if we ever try to get out from under it, once we are in it, there will be a more popular demand to remain with the noose around our neck.

Has the Senator ever read the poem by William Wordsworth, in which occurs the line:

My heart leaps up when I behold  
A rainbow in the sky.

If the Senator has read that line, I ask him if his heart leaps up when he beholds this treaty? or will he vote for it with his fingers crossed?

Mr. JACKSON. My remarks on the floor of the Senate answer the Senator's question quite effectively. My heart is not leaping up. I hope it remains steady. I hope the American people will approach the whole problem sensibly and

without emotion. Whether we keep the peace will depend in large measure on our will and determination to remain strong.

Many persons have said in the past that America would grow tired of carrying the burden of arms—and I am sure the Communists have been counting on this. But we have carried the burden longer than in any other period of our history. In many ways, I think we can be thankful to the Soviets, because they have a genius for keeping us alert. I want to make certain that we are not lulled into a state of euphoria.

Mr. DOUGLAS. Or serendipity.

Mr. JACKSON. That is correct. That is why so much depends on our will as a people; and that will is reflected in our legislators.

More specifically, I think the burden of the distinguished Senator from Mississippi [Mr. STENNIS] and his subcommittee will have to carry in monitoring this program will be stupendous. It can be done. It has been done in the field of atomic energy. I am confident it can be done in the overall military field; otherwise, I would not feel as I do.

This is a problem as to which honorable men can reach different conclusions. However, this is the basis of my remarks today.

I thank the Senator from Virginia for his literary contribution. Macbeth has something to say that is not so happy:

Out, out, brief candle!  
Life's but a walking shadow, a poor player  
That struts and frets his hour upon the stage  
And then is heard no more: It is a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing.

I hope we will not apply that passage.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. DOUGLAS. I congratulate the Senator from Washington for his fair statement and the extraordinary spirit in which he has approached the subject. He has made a well balanced analysis.

One is always uncertain how closely one should question another on these matters, because they may involve material that is highly classified, and should remain so. The Senator from Illinois does not have access to classified information, and has never sought it. If my questions trespass in the field of security, I hope the Senator from Washington will be very careful in his replies.

Mr. JACKSON. I hope the Senator will feel free to ask any question. I shall endeavor to abide by the rules of security; I assure him of that.

Mr. DOUGLAS. I have been concerned about the problem of the anti-missile missile, or the antiballistic missile, as it is now called. Is it not true that if one nation possesses the antiballistic missile and another nation does not, any attack from the nation which does not have the antiballistic missile, but does have offensive weapons, can be successfully prevented, and that this will leave the nation which has both the antiballistic missile and the offensive weapons in complete possession of nuclear superiority? In other words, the



possession of the defensive weapon permits the full use of the offensive weapon.

Mr. JACKSON. If, for example, the Soviet Union had developed an effective antiballistic missile which could destroy our incoming missiles, it could well have tipped the military balance in its favor. I hasten to point out that those in the Strategic Air Command and in the Air Force generally question whether an effective antiballistic missile can be developed. There is a sort of historic rule that the offense has the advantage over the defense. There are limitations to that rule. In recent months and years there have been indications that a program involving an antiballistic missile defense can be effective for a period of time. If we do not have information about how the Soviet system works, our ability to penetrate their air defenses could be in serious jeopardy.

Mr. DOUGLAS. I take it the Senator from Washington believes that the field of testing which remains open to us is underground testing, and that in it we can achieve substantially the same results as those we would achieve if we tested in the atmosphere.

Mr. JACKSON. I believe we can obtain enough information through underground testing and, by extrapolation, from information we already have, to develop an antiballistic missile system of some type. We should keep in mind, however, that there is a substantial difference of opinion in this regard. Men of great talent, such as Dr. Teller, feel that an effective system cannot be developed. Others feel that it can be done. Personally, I feel that we can do a great deal if we make a vigorous effort; and, second, if we likewise improve our own retaliatory capability in certain ways which will give it the ability to penetrate even through known or immediately contemplated antiballistic missile defense systems.

Mr. DOUGLAS. I take it the Senator from Washington also feels that since the testing will have to be done underground, it would be more expensive than if done in the atmosphere.

Mr. JACKSON. There is no question that it will cost us substantially more to test underground than to test in the atmosphere. It will be more difficult to obtain certain kinds of information from underground testing than from tests in the atmosphere.

Mr. DOUGLAS. I take it the reason for this is that there cannot be as much space in which to operate.

Mr. JACKSON. Yes, plus the fact that the whole problem of instrumentation, in order to get the proper recordings, is complicated; and it takes longer. Time is of the essence in many of the situations.

Mr. DOUGLAS. I thank the Senator from Washington. He has performed a very valuable public service, and has been extremely helpful to many of us.

Mr. JACKSON. I thank the Senator from Illinois for his very kind remarks. I am indebted to him for his questions.

Mr. STENNIS. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am glad to yield.

Mr. STENNIS. I, too, wish to commend the Senator from Washington for his very fine speech. I have benefited from it, and I know that others have.

I wish especially to commend the Senator from Washington for the very fine service he rendered the Senate during the Preparedness Subcommittee's hearings—which now have lasted for a year—on the entire test ban problem, and, in particular, during the last 2 months in connection with the test ban treaty. His excellent knowledge and background, over a period of years, in the atomic energy field and in regard to all related matters—not only military matters generally, but also military weapons—make him a most valuable Member of the Senate. His contributions to Senate debate, either on the test ban treaty or on the day-to-day work of the Senate, are outstanding.

I know, too, of his deep concern about the treaty and about his vote on the question of Senate approval of it.

No one has made clearer the limitations, the hazards, and the gamble we are taking, than has the Senator from Washington. The points he has made—and they were included in the resolution he submitted during the hearings—with reference to the reservations the Joint Chiefs of Staff have—are vital in connection with the implementation of this means, if the treaty is adopted, and constitute a most important contribution. That resolution was unanimously adopted by the subcommittee, and then by the full committee, which addressed it to the Secretary of Defense in the form of a letter written by the chairman of the full committee.

Later I shall refer to the responses, which I regard as among the most substantial contributions which have been made. Others helped; but the Senator from Washington took the lead and furnished a fine background of information.

So I cannot thank him enough for the Senate. As one Member, I, too, wish to thank him most sincerely, and also from the point of view of my responsibilities as chairman of the subcommittee, for the very diligent, constant, and constructive efforts he has made throughout the hearings.

Mr. JACKSON. The Senator from Mississippi is very generous.

I wish to emphasize again, Mr. President, the fact that what we in the subcommittee have been able to do stems in a very definite way from the able manner in which the distinguished Senator from Mississippi has presided over the subcommittee's hearings. His diligence and his determination to get the facts are greatly admired by all of us who have worked with him for a number of years. I say most sincerely that long before the test ban treaty hearings got underway—and these hearings go back more than a year—he rendered the Senate most valuable service by means of the conscientious, objective, and impartial way in which he always proceeds, as chairman, to deal with the matters which are studied by the subcommittee.

Mr. President, this decision has been one of the most difficult of all that have faced me during my service in the Senate. Of course I respect and admire Senators who take a position either way on the treaty, for in dealing with a question as difficult as this it is not possible for one to say he is positively correct.

Mr. HUMPHREY. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am glad to yield.

Mr. HUMPHREY. I wish to say to the distinguished Senator from Washington that his statement today will, I am sure, have a very decided and positive effect upon the thinking of many Members of Congress and upon the thinking of the public. His support of approval of the treaty, after outlining the many difficulties faced by one who must make this decision, is most helpful.

I wish to say that although some of us perhaps have been more outspoken in our advocacy of the treaty—as the Senator from Washington indicated was the situation in my case—we have had no less difficulty in arriving at our decision, nor have we been any the less concerned.

I believe the debate on the treaty has become one of the most important foreign policy and national security debates Congress has had in many a year. In fact, one of the beneficial aspects of the treaty is its generation of penetrating and thoughtful analysis and evaluation of our military posture, our relationships with the Soviet Union, and the totality of our foreign policy and our national security policy, and the consequent ability of Members to examine each of the many factors of those policies and then to reassemble them and to make the final decision.

The outstanding address by the Senator from Washington impresses me with his careful consideration of the many different factors involved. After weighing them most carefully, he has fulfilled his responsibility as a Senator by reaching his decision on the basis of the many points of view that have been expressed in testimony and also on the basis of his own experience, for many years, as a member of the Armed Services Committee. He has recognized, and has told us of, the technical military problems and, as he described them, the disadvantages. Then he has made his decision in regard to the overall impact of the treaty and its effect upon our security and our position in the world.

I wish the Senator to know that I tried to do the same thing. I am not merely a hoper. One is not elected to the Senate by hoping. One is elected by working, advocating, and having a healthy skepticism.

I believe the Senator has put it well. I agree with his emphasis.

Mr. JACKSON. I am sure the Senator agrees with my comment. It was not intended to be anything other than as stated.

Mr. HUMPHREY. I would be remiss in my own sense of public duty if I did not say that I find that there is a need in public life as well as in private sectors for people who come to the decision to



be strong advocates. Otherwise a balance is not reached.

The Senator from Washington performed a great service by his letter to the Secretary of Defense asking for certain information. His request ultimately resulted in certain assurances, first, from the Department of Defense, and subsequently in the letter from the President of the United States. I believe all of that information has given us a better understanding of the treaty, its implications, and what we know to be the requirements for making the treaty effective if we are to live under its terms.

I join the Senator in reminding our countrymen of the importance of eternal vigilance. We should ever be mindful that the strength of our Nation is the greatest hope for peace in the world. I feel that I can come with rather clean hands on that question because in all the years I have served in the Senate, when our friends on the Armed Services Committee or the Appropriations Committee have brought forth proposals or budgets for keeping the country strong and keeping its Military Establishment modern and effective, it has been my privilege to vote for such proposals and budgets.

I have never felt that freedom was cheap or that we could get it on the bargain counter. We must be prepared. I have never believed that we could have unilateral disarmament. I personally believe that national security requires a constant attention to the balance of military power, foreign policy or our diplomacy, and an intimate knowledge of the social and political forces at work in the world. I commend the Senator. I am confident that his message will be of great help in bringing about the two-thirds or more votes that are needed for ratification.

Mr. JACKSON. I thank my friend from Minnesota very much. I appreciate his thoughtful comments. I know of his long and continued interest in the problem and the close way in which he has followed it over the years. I thank him for his observations and comments.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. The Senator from Washington is one of the most knowledgeable and valuable members of the Committee on Armed Services and the Preparedness Investigating Subcommittee. He has made an extremely interesting statement today. At times I wondered whether he was arguing for the treaty or against the treaty. To my way of thinking, his statements are rather strong against the treaty.

There are a few points that I think perhaps ought to be brought out to the American people. I should like to ask a few questions.

Mr. JACKSON. Certainly.

Mr. THURMOND. There is no question that the Soviets have a definite superiority in high-yield weapons, is there?

Mr. JACKSON. There is no question.

Mr. THURMOND. There is no question that the Soviets know more about

the effects of high-yield weapons, is there?

Mr. JACKSON. I think that it is fair to assume that they probably know more. The difficulty in so much of this discussion, as the Senator knows, is that we must assume certain things to be true unless we have information to the contrary. The Soviets have tested high-yield weapons with greater destructiveness than anything we have. I think it is a fair inference that such tests included effects tests. Therefore I would answer in the affirmative.

Mr. THURMOND. I believe that the Soviets are further advanced in high-yield weapon technology. Is that true?

Mr. JACKSON. That is correct. I think it should be pointed out that by extrapolation we can produce a very high-yield weapon without tests. It would not be as good as one produced with tests, from the standpoint of reliability or deliverability; but, according to our best information, it can be done.

Mr. THURMOND. I believe that the Soviets are considerably ahead of the United States in antiballistic missiles.

Mr. JACKSON. Based on the information given us I believe they are definitely ahead from the standpoint of the extent to which they have deployed a system.

Whether they are ahead of us in the so-called research and development phase, that is, new techniques and so on, is a question I cannot answer.

Mr. THURMOND. Under the treaty, the Soviets could attain parity with the United States in tactical nuclear weaponry, with respect to which it is thought we are not ahead, could they not?

Mr. JACKSON. They could, if we failed to carry out the safeguards which call for vigorous underground testing. I think we could keep ahead in that area. We are ahead now; and while they will have the advantage of competing in that area, if we continue to prosecute with great vigor our underground testing program, I believe we can remain ahead.

Mr. THURMOND. I believe there are strong reasons to believe that the Soviets know more about radar blackout effects that are crucial to the development of antimissile missiles. Is that correct?

Mr. JACKSON. That is a question about which, as the Senator is aware, there is a dispute among the scientific and technical people. I have had information both ways. We have conducted approximately as many high altitude tests as the Soviets have conducted. We do have a great deal of data in that area. Whether it is as good as theirs I do not know.

Mr. THURMOND. It is true that the treaty would bar the testing of nuclear weapons to determine their performance under operational conditions.

Mr. JACKSON. The treaty would prohibit any nuclear testing in the three prohibited environments, and this would include operational testing.

Mr. THURMOND. In the development of an antimissile missile, would we not be greatly handicapped because the weapon ought to be tested in the environ-

ment in which it would ultimately be used to determine the success of it?

Mr. JACKSON. Naturally, it would be far more advantageous to be able to test the entire system, including the warhead. This means of course that we would not have the most effective antiballistic missile system. It could be a much better system if complete atmospheric tests could be conducted. As the Senator knows, the only fully operational tests with the nuclear warhead that we have conducted in the missile field have been those with the Polaris missile system.

Mr. THURMOND. In order definitely to determine the effects of a superbomb upon our missile sites, or our silos, would it not be necessary for tests to be conducted in order for us to gain the knowledge and technology that we would need to determine whether our sites would be able to withstand the electrical current that would accompany the big bombs?

Mr. JACKSON. It would certainly be helpful; and we could have greater assurance as to the survivability of our retaliatory striking force.

As I pointed out in my remarks, we shall have to add to our retaliatory delivery systems because of these uncertainties. The Senator from South Carolina is aware that we are in an area of classified information, and unfortunately we cannot go into the subject in great detail. As the Senator knows, we have already taken certain steps to protect our ballistic missile sites by reason of information we have gained from previous tests and previous knowledge.

Mr. THURMOND. We would never be able to determine definitely whether or not our missiles would be able to take off, and whether their guidance and control systems would be effective, unless we actually made those tests in the atmosphere, would we?

Mr. JACKSON. A part of this problem, however, can be solved by underground tests—a part of it, but not all of it.

Mr. THURMOND. I thank the distinguished Senator for his frankness in answering these questions. In closing I wish to read a very brief statement by Dr. Teller, made in January of this year, when he said:

A test ban treaty with the Soviet Union would prevent vital improvements of our atomic explosives as well as foreclose the development of antimissile systems like the Nike-Zeus and the Nike-X. It would not keep the Russians from cheating. Such a treaty, in sum, would endanger our security and help the Soviet Union in its plan to conquer the world.

The Senator knows Dr. Teller, of course. I know the Senator has high respect for him. I am sure the Senator would give great weight to a statement made by Dr. Teller.

Mr. JACKSON. As the Senator knows, in the text of my remarks I referred to Dr. Teller, Dr. Foster, General Schriever, and General Power. I have great respect for all those gentlemen.

As Senators, we must look at all these problems and then come to a judgment. As I said earlier, I respect the judgment of my colleagues, no matter which way they finally decide to vote on the issue now before the Senate.

In the last analysis, whether this country maintains its superiority, which is the means by which we have kept the peace, will depend on our will and determination to do so.

Even if there were unrestricted nuclear testing, should we come to the conclusion that somehow we could cut back, we would then invite a thermonuclear war, because we would lose our military superiority.

Therefore, the overriding challenge the American people now face, and will face in the years to come, is, "Can we maintain a strong posture in a long-drawn-out conflict?"

The Chinese Communists and the Russian Communists question whether we can do it. We have been doing it for 17 years.

This is the area which causes me the greatest concern. It has in the past. It is my great concern now, and it will be in the years that lie ahead. I feel that those of us who serve on the Committee on Armed Services and on other committees have a great responsibility to see to it that we do not let our guard down. Most sensible Americans expect us to follow that course. This is what I shall continue to do. I shall do it now and in the future, as I have tried to do it in the past.

I appreciate the questions the Senator has asked. I know his deep concern. I share the same concern. We may come to different conclusions, but our concern exists, nevertheless.

Mr. THURMOND. The Senator remembers the statement made by General Power, I am sure, that it is far too dangerous to sign the treaty. General Power made a very strong and impassioned statement against ratification of the treaty. He is the man who has charge of our delivery systems, the missiles and the planes, who will be responsible for wreaking destruction upon the enemy if that time should ever come. I am sure the Senator was deeply impressed by the statement made by General Power.

Mr. JACKSON. I was deeply impressed by his statement. As the Senator knows, the Chairman and other members of the Joint Chiefs of Staff support the treaty. Five leading officers, including General Shoup, support it. They include General LeMay, who no doubt had different reservations about it from those of the other Chiefs. He served longer than any other commander as the head of the Strategic Air Command.

Mr. THURMOND. I am sure the Senator remembers the statement made by General Schriever, who commands our missile development, who said that he cannot do his job properly if the treaty is ratified.

Mr. JACKSON. I do not recall his exact statement, but if that is the way it appears in the record of testimony, I am sure it is correct. I have nothing but the greatest respect for General Schriever.

er. I have had the privilege of working with him for more than 10 years. He is a dedicated and fine officer.

Mr. THURMOND. I have such a deep concern about the treaty that I felt this information should be brought out. Again I thank the distinguished Senator for his frankness in answering questions.

Mr. JACKSON. I thank the Senator from South Carolina.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to my friend from Arkansas.

Mr. FULBRIGHT. I wish to associate myself with the remarks made by the distinguished majority whip [Mr. HUMPHREY]. I compliment the Senator. I know he has had long experience in this field, particularly in respect to armaments, since he has served on the Committee on Armed Services and on the Joint Committee on Atomic Energy.

I am gratified that after what no doubt has been much soulsearching, judging from the Senator's remarks—as I also know from previous remarks—the Senator has arrived at what I believe to be a sound conclusion. I compliment the Senator upon his judgment.

I know there have been conflicting statements by many of the highest authorities. It finally comes down to a question of weighing in the balance the quality as well as the quantity of the testimony from different viewpoints. That is the decision which the Senator from Washington and all other Senators must make.

I am extremely pleased that the Senator from Washington has arrived at the decision to support the treaty. I congratulate him for what I consider to be his good judgment.

Mr. JACKSON. I thank my friend from Arkansas. Much will depend on how we as Americans conduct ourselves under the treaty in the years which lie ahead, and whether we shall be willing to exercise our rights under the treaty, which include the right to withdraw if the circumstances warrant it. We must act courageously. We must protect the superiority which we have maintained throughout the years in the nuclear and thermonuclear field.

Mr. FULBRIGHT. I am sure the Senator will agree that we would have to do so in any event, even if there were no treaty. We cannot now insure future actions. We must pursue the same policies, even in the absence of the treaty.

Mr. JACKSON. There is no question about that.

Mr. FULBRIGHT. The treaty does not prejudice that position.

Mr. JACKSON. But—and this is what the Joint Chiefs were concerned about—a feeling of euphoria can set in; and that is something we must guard against. It happened in a previous arms control period, in the 1920's, when we signed the Washington Naval Arms Agreement. We became a little careless. The signing of the London Naval Conference Agreement had a similar result.

I make the point because our past conduct is a matter of great concern, and it

may be an indication of the dangers that lie ahead.

I believe the Senate has rendered a constructive service in developing the understanding with the executive branch of the Government concerning safeguards. If we live up to the assurances that have been given and take advantage of the safeguards in the treaty and withdraw from the agreement if necessary, I believe we can maintain the peace.

Mr. FULBRIGHT. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. MILLER. I compliment the Senator on his excellent speech. The Senator from Washington has achieved the reputation—and with good reason—of being one of the most informed and conscientious Members of the Senate so far as matters relating to the national security are concerned.

I point out one thing which the Senator from Washington brought out, which I think it is well to stress, and that is that the argument made in favor of the treaty, that it will tend to slow down the arms race is a faulty premise. On page 4 of his speech, the Senator from Washington quoted Dr. Leo Szilard to the effect that "With an extensive program of underground bomb testing, then, rather than furthering the cause of peace, the test ban agreement would be likely to do just the opposite."

While I recognize that that statement was quoted by the Senator from Washington as evidence of the danger that may lie ahead in the future from the efforts of some people who will try to persuade the Congress to go contrary to the safeguards proposed by the Joint Chiefs of Staff, nevertheless, to use as an argument for the treaty the contention that it would slow down the arms race is a faulty premise. In view of the statement by Dr. Szilard with regard to extensive underground tests, in my view, the tests are a sine qua non so far as ratification of the treaty is concerned. If such tests are carried out, they will mean a step up, rather than a step-down, in the arms race. This should pretty well lay at rest the argument that the treaty will slow down the arms race.

As I said Tuesday, I did not want to be persuaded to vote for the treaty on the basis of the argument that it would slow down the arms race. Every Member of the Senate is in favor of slowing down the arms race; but to proceed from that desire to a ratification of the treaty on the basis that it would slow down the arms race would be a very unfortunate basis on which to arrive at a decision.

The Senator from Washington has arrived at his decision after sharply repudiating this argument, which I know has been suggested by many as the basis for ratification of the treaty.

Mr. JACKSON. I thank the Senator. There is no doubt in my mind that we would have to increase our expenditures under the terms of the treaty.

I yield the floor.

Mr. STENNIS obtained the floor.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may suggest

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the absence of a quorum, for the purpose of a brief rollcall, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask unanimous consent, without losing the floor, that I may yield 2 minutes to the distinguished Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NUCLEAR TEST BAN TREATY IS A TINY LIGHT IN A VERY DARK WOODS; LET'S NOT BLOW IT OUT

Mr. YARBOROUGH. Mr. President, more than 90 nations of the world have now ratified the nuclear test ban treaty pending before the Senate. This large number, accepting it so soon, well illustrates the concern felt around the world at the consequences of the continued atmospheric testing of nuclear weapons at the rate of the past 2 years. This treaty is desirable as a way of at least slowing down the accumulation of radioactive fallout.

It appears to be the scientific opinion that any additional amount of radioactivity in the air we breathe or food we eat will have some genetic consequences, affecting those of the unborn generations. A line cannot be drawn at which it can be said there will be no adverse effects from fallout if the radioactivity stays below these limits. So it is in the interest of all the people of the world to pursue attempts to limit the amount of radioactivity that is placed in the air.

Of course, in the past we have properly felt that the dangers of fallout were far overshadowed by the consequences of nuclear war should our unreadiness provoke a nuclear attack. We have wisely tested when such testing was necessary to maintain a nuclear capability formidable enough to deter any enemy attack. There is no question that this policy in the long run will save more lives than will ever be affected by any conceivable amount of fallout. We have no apology to make for the testing which has produced our present nuclear arsenal; our armed readiness quite likely has saved the world.

But now we are at a position where we think it wise to stop testing and cease adding to fallout. Will this cessation prejudice our ability to deter aggression? Although there is some difference of opinion among military and scientific experts, the great weight of the testimony, presented to Congress from the Joint Chiefs of Staff and the leading nuclear weapons scientists, indicates that there will be no substantial prejudice to our military position as compared with the Soviets. I emphasize the word "sub-

stantial." There is no compelling evidence that continued testing will greatly aid our ability to deter aggression and defend ourselves. We must be prepared for both. Maybe some time in the future there will be such evidence that indicates we need to test—when that day comes we can resume testing.

From the pattern of recent history, we can conclude that it is far more likely that the next nuclear test by the signers of the treaty will be made by the Soviets, as a surprise, in hopes of catching us unaware. To those who say that thus the treaty is a Communist snare, I say "maybe so," and "so what?" This country will maintain vigilance and a readiness to resume testing if and when the treaty is violated. The best evidence is that the Soviets will not be able to jump ahead of us by such a violation of the treaty.

I do not think anyone in this administration, or this country, is being lulled into a belief that the Soviets have become good peaceful neighbors just because we ratify the treaty. We shall be prepared for the worst; we do not forget the missiles in Cuba less than a year ago. But when all the safeguards have been put in, as are in the treaty, and every possible allowance is made for all the duplicity of which the Communist mind is capable, we still find that it is to our interest, the world interest, and even the Soviet interest, to slow down the nuclear arms race.

This is a first limited step. It does not end the cold war; it is not in any sense disarmament. Cessation of contamination of the air and water will do some good; it cannot do us any great harm. There are those who would prefer to dissent or express legalistic reservations to every constructive proposal that has ever been made. It is more difficult to be an advocate, more desirable to keep oneself ready to be able to say "I told you so." In human affairs, however, someone must be the advocate and take the affirmative. I am proud to be among those who affirm the desirability of ratifying the nuclear weapons test ban treaty.

We must base our legislation on our hopes, rather than on our fears. We must have faith that mankind has the intelligence to march into a better future, and not, like a mass of lemmings, plunge over a cliff of no return, to a place of self-destruction.

The treaty is a very tiny light in a very dark woods; let us see if it will light our way through these woods before we blow it out.

## PRIVILEGE OF THE FLOOR

Mr. STENNIS. Mr. President, the hearings before the Preparedness Subcommittee extended for almost 1 year. One member of our staff, Mr. Russell J. Fee, Jr., is particularly familiar with the hearings and the subject matter of nuclear test bans. I ask unanimous consent that he be permitted to be in the Chamber during my discussion. Various points may arise on which he should be available for quick reference.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. The hearings of the Preparedness Subcommittee were origi-

nally on the general subject of test ban treaties, with particular reference to the impact they might have on our military preparedness, our military posture, and the security of our Nation and, for that matter, the Western World.

After the test ban treaty was proposed, the hearings focused on it. The chairman of the Armed Services Committee, the Senator from Georgia [Mr. RUSSELL], considered whether or not he would request the Senate to refer the treaty also to his committee. Consideration was given to holding joint hearings with the Foreign Relations Committee. The Senator from Georgia finally told me that, in view of the fact that our hearings were already in progress, and that our staff was familiar with the subject, he thought it well for us to continue the hearings, with special emphasis on this treaty. Therefore, the subcommittee proceeded in that manner, and concluded its hearings in time to make its report.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I believe it was just as well that the subcommittee proceeded as it did. There were so many Members sitting with the Foreign Relations Committee that if a Senator wanted to explore a particular matter it was necessary to wait almost all day to ask a question, particularly if one was not sitting at the head of the table. In addition, it required so long to hear a witness that we could not have proceeded as rapidly as we did in the Senator's subcommittee, with a smaller number of witnesses.

Mr. STENNIS. Yes. No issue is being made about it. There never has been. I mentioned it only because the press had speculated as to how this procedure developed.

With all the testimony that has been taken, all Senators are faced with a difficult question, which is: Would the proposed test ban treaty leave us able to protect ourselves militarily? I have to conclude there is great doubt about it; I do not believe it would. For that reason alone I shall be compelled to oppose the treaty. I will outline the reasons in my speech.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ROBERTSON. I welcome this opportunity to express my heartfelt appreciation for the services the distinguished Senator from Mississippi has performed over a period of years. For nearly a year he has been studying the test ban treaty. I issued a statement last week saying that I did not know whether the test ban was a prelude to a period of peace or the entry into a game of Russian roulette. Some people may know what Russian roulette is, and some others may not. I do not claim to be an expert in the field, but as I understand, Russian roulette is a game which has come out of Russia. It is played to show one's sporting disposition. A player takes a six-shooter and puts a live shell in one chamber. Then he revolves the chamber until he does not know where the shell is. He then puts the six-shoot-



er to his temple and pulls the trigger, and hopes that he will not hit the live shell. If he does, it is night under the hill and he blows his brains out.

The Senator had expressed some doubt about what kind of game we were getting into; and I said in my statement last week, knowing the popularity of the distinguished chairman of the Foreign Relations Committee, who is sponsoring the treaty, and the great popular support that committee has as a leader for peace in our time, that I wanted the assurance of our military experts that if I voted for the treaty we would not be hurt.

After all, this is a military problem. It is not a political matter, except collaterally. Of course, we do consider good opinion in world affairs. I shall make a speech next Monday. I have relied upon the findings of the subcommittee which the Senator from Mississippi headed, the Subcommittee on Investigations, to give us the military aspect of the treaty. I am relying on his report.

Certain men, free from restraint, like Admiral Burke, General Twining, and Admiral Radford, are openly against the treaty. The man who is responsible for SAC is against it. The man responsible for the development of our Air Force missiles is against the treaty. Not a single military expert recommended the treaty.

I will say on Monday that I side with my distinguished friend from Mississippi, and that it is clear to me that the military disadvantages outweigh the political advantages, with all due deference to those who do not agree with me, and without questioning in any way their sincerity. I will go along with the Senator from Mississippi and vote against the treaty. I commend him for his fine work.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Inasmuch as the junior Senator from Virginia has made reference to the treaty as my treaty, I first wish to set the record straight. I did not negotiate or initiate the treaty; it is my duty as chairman of the Committee on Foreign Relations to present it to the Senate. I have studied it at length, and I am in favor of it. May I ask the chairman of the subcommittee who, in his judgment, is considered to be a military expert? Does he not consider the Joint Chiefs of Staff to be military experts? Does he not consider General LeMay to be a military expert?

Mr. STENNIS. Yes. I consider him to be a military expert, not a political expert.

Mr. FULBRIGHT. Does the Senator consider General Wheeler to be a military expert?

Mr. STENNIS. I consider him to be a military expert, but not a political expert.

Mr. FULBRIGHT. And General Shoup?

Mr. STENNIS. If the Senator will permit me to do so, I shall discuss this subject in my speech.

Mr. FULBRIGHT. In his colloquy and questions, the Senator from Virginia said that not a single military expert approved the treaty. My point is that I consider all the members of the Joint Chiefs of Staff to be military experts. I consider General Eisenhower to be a military expert. He used to be so considered. I still consider him one. I think the world considers him one. He endorses the treaty; and the others whom I have mentioned endorse it. To let stand the statement that not a single military expert endorses the treaty would be a gross misstatement of the fact. At the proper time, I shall refer to the Committee on Foreign Relations hearings and the particular statements of military men.

Mr. STENNIS. Mr. President, I wish to be courteous to the Senator from Virginia and to the Senator from Arkansas, but I wish to proceed with my speech.

Mr. ROBERTSON. Let me correct something I may have misstated. What I intended to say was that no military expert approved the treaty from a military standpoint.

The Senator has mentioned General LeMay. I asked General LeMay, at a hearing before our Subcommittee on Defense Appropriations, "Can you give me assurance that we will not be hurt?"

General LeMay said, "I cannot." If that is an endorsement, the Senator can make the most of it.

Mr. FULBRIGHT. I do not think he could give such assurance even if there were no treaty.

Mr. ROBERTSON. Certainly not.

Mr. FULBRIGHT. He could not attempt to guarantee that the United States would not be hurt if there were no treaty and if there were a nuclear war.

Mr. STENNIS. Mr. President, I shall later yield most liberally to the Senator from Arkansas; but I request the privilege of proceeding with my speech now.

Mr. FULBRIGHT. I apologize. The Senator from Virginia initiated this discussion and made certain references to the chairman of the Committee on Foreign Relations which I thought should be clarified.

Mr. STENNIS. I thank the Senator. I shall yield to all Senators later, but I would like to proceed with my speech, if I may.

Let me say, in the beginning, that in considering my decision on the treaty, I was not overly concerned by the so-called political advantages that some persons think would accrue to the United States. I do not believe any would accrue. I am greatly concerned, however, about the military disadvantages that all military witnesses firmly believe would accrue to us. I am also concerned about the military advantages that is believed would accrue to Russia as a result of the treaty.

With matters of such importance of concern to me, I came to the conclusion that the major effect of the treaty would be to cut off testing where we need testing most—in the atmosphere—and to give a green light to testing by Russia where Russia needs it most—underground. No one denies that.

We can become emotional about these things. But the point which I make, no one can deny. We must start from the hard facts of life; and that is what I am seeking to do in presenting my views.

Today the Senate is sitting in a special capacity in serious consideration of a nuclear test ban treaty. It is not a question of running around before the debate starts and asking every Senator how he will vote, or tallying up how many here and how many there will vote this way or that, or speculating in the press and elsewhere as to how many votes one side has and how many votes the other side has. No. The Senate is sitting in a semijudicial capacity, somewhat as a court of appeal.

In express terms, the Constitution provides that no treaty shall be binding on the American people until it is approved, not by a mere majority, but by a two-to-one majority of the membership of the Senate present and voting. That is one of the few senatorial powers that might be called a semiexecutive power, with which this special court of appeals, so called, is entrusted.

If I correctly remember The Federalist, grave consideration was given by the Constitutional Convention to granting this power not to the Senate, but to the Supreme Court. Also, consideration was given to vesting this power in the Congress as a whole and to require that a law be enacted. But these proposals were rejected. It was finally decided that that "court," the Senate, representing the several States, should pass on such questions as treaties. The Founding Fathers were not wholly satisfied with that. They required that in such instances the approval must be given by a 2-to-1 vote, instead of a mere majority. The American people have never been willing—and Congress has never recommended—that that constitutional provision be changed.

So we are not sitting here as nose counters or head counters, tallying the number for the treaty and the number against it. We miss the boat by letting ourselves get into such an atmosphere. It is not our sole purpose to determine the number of witnesses who testified one way and those who testified another way. We are not seriously concerned with the number of witnesses; our task is to weigh the substance of what they said, whether they are authorities on the particular subject, and consider their ability to deal with the facts.

Consider the case of a man who is tried for a misdemeanor which carries a fine of \$10. The court will instruct the jury that they must not count the number of witnesses in balancing the testimony and determining its weight. Even in these cases, the jury is instructed to consider the knowledge of the witnesses, their authority in the field, their credibility, and then to weigh the testimony and reach a judgment as best they can.

The Senate is now debating a matter which has grave and possibly even ominous portents for the future of our great Nation. The treaty which has been submitted for ratification or rejection brings us, for better or for worse, to a



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momentous and significant crossroad in our history.

We all desire peace and a peaceful world—a world from which both war and the threat of war have been forever banished. But it must be a secure peace—not an illusion and a snare. We must be certain that we do not jeopardize our destiny by being trapped in a gigantic game of Russian roulette.

I fear that our overwhelming desire for peace makes it difficult for us to examine critically and objectively any proposal which seems to offer any hope, however illusory, to fulfill this desire. Yet, because it is easy to be mesmerized into believing that any document which bears the label of peace is in fact a real step toward peace, it is important that we explore it and its implications searchingly. At the outset, we must bear in mind that what is represented to us as a first step toward peace may very well be to the Russians just another maneuver in the cold war or—even worse—a considered step by them toward a hot war in which the cards will be stacked overwhelmingly in their favor.

Therefore, much as we all thirst for a just and lasting peace, it is important that we do not accept proposals urged in the name of peace at their face value and be satisfied with mere assurances that all will be well. The U.S. Senate must accept and be equal to all of the obligations and responsibilities which are inherent in the historic advise and consent clause, which provides that the President "shall have power, by and with the advice of the Senate, to make treaties, provided two-thirds of the Senators present concur."

It is sound, indeed, that this action was submitted as a treaty, and that no attempt was made to take this action by an Executive order. The proposal is brought before the Senate as a treaty, which is the only rightful way of bringing it before the country. I trust there will be no future talk, as there was a little more than a year ago, of dealing with the situation through an Executive order. I do not impute such a suggestion to the President. He has sent the treaty where it is supposed to go.

We must explore the facts fully and must exercise our independent judgment as to whether, on the basis of facts as we know them, the treaty is truly in our national interests. That is the only test. We must do this with full knowledge that the destinies of the almost 200 million people of this Nation may hang in the balance.

Mr. President, I have no sympathy with the argument to the effect, "We must go along with the treaty, now that 92 nations"—I believe that is the correct number—"have signed it."

Mr. President (Mr. SIMPSON in the chair), I do not mean to be unkind in referring to the other signers but I must ask what many of them gave up when they signed the treaty? I speak with all due deference to those nations and their representatives; but it is true that the ceremonies were conducted before newsreel cameras, television cameras, and newspaper photographers, and the newspapermen, and the columnists. That

is part of the spirit. That started the ball rolling. I say we should get back to the facts.

We may have gone far; but if it be true that potential disaster lies ahead, the Senate still has within its power the exercise of independent judgment. If that judgment is that the treaty should be rejected, then Senators should unhesitatingly vote to reject it, regardless of how many nations, large or small, have affixed their signatures to it.

I think we must all agree, Mr. President, that in deciding whether this treaty is in the national interest and whether it protects adequately our security, safety and survival, we must rely solely on the facts and on the document itself. Few of us, I am sure, are willing to let any phase of our national welfare or security depend even for a moment, or even to the slightest degree, upon reliance on the good faith, honesty, sincerity of purpose, or trustworthiness of the Soviets. The cold, hard, and unpalatable facts of history teach us that the rulers of the Kremlin cannot be trusted, and that truth—to them—is anything which moves them nearer to their goal of world domination.

I need only remind the Senate that the Mr. Gromyko who negotiated and signed the treaty on behalf of the U.S.S.R. is the same Mr. Gromyko who, just short of 1 year ago, sat in the White House and blandly assured our President that Soviet missiles had not been, and would not be, introduced into Cuba. Even as he did so, photographs which had already been taken ultimately branded his assurance a monstrous and deliberate falsehood.

I do not know how many Senators were present last fall when the Cuban crisis arose, just after Congress had adjourned. I happened still to be in the city; and I remember, and shall always remember, that the same Gromyko who this year was the representative of his Government in initialing the treaty, then—a year—sat in the White House, and, when talking to the President of the United States, assured him that there were no Russian missiles in Cuba; that such rumors were just dreams; that no armaments of that sort were there. But, either then or shortly thereafter, the initial photographs of those missiles in Cuba were on the President's desk and were being examined by experts at the Pentagon; and a day or two later there was confirmation that the missiles were there. At the very time Gromyko was conferring with the President of the United States, the President's experts were studying those photographs, which then or shortly thereafter were on the President's desk. Today our Government is dealing with the same man.

The lure of peace, desirable though it is to all of us, can easily be a siren song leading to disaster unless there is clear proof that our supreme interests are completely and adequately protected by the proposed treaty.

I do not need to dwell upon the many instances of perfidy on the part of the Red rulers of Russia. I have just referred to the most recent and outstanding instance.

I am instinctively troubled, Mr. President, by the question of why the Russians desire this treaty. We proclaim that we have present nuclear superiority and that the treaty will stabilize this. But the Russians make precisely the same claim. Obviously, both of us cannot be right. Possibly we are right; but who among us is gullible enough to believe that the Soviets would willingly freeze themselves into a position of inferiority? If we are wrong, do not we court disaster by binding ourselves to this document?

Later, I shall say more about the question of nuclear and military superiority. At this point I wish to emphasize the fact that I am hard put to understand why the Communists have suddenly reversed their field, and now have agreed to a treaty which in the past they have rejected several times. We must beware of their new and smiling face, and must consider carefully what the treaty will or can do to our national security. We must not be too eager or too willing to walk in the direction in which they urge us.

I am not so naive as to suppose that those of us who vote against approval of the treaty will be immune to charges that we are warmongers.

I have already received that brand from the Chinese Communists, as a result of the report of the Preparedness Investigating Subcommittee on the Cuban military buildup. We will hear such charges, not only from the Soviets, but also from those of our own people who honestly, sincerely, and with the highest sense of patriotism judge our decision to be wrong.

I share with my fellow citizens a longing for peace with justice and integrity, but I am not convinced that the path of peace lies in the direction this treaty leads. I would have been convinced of it in 1958. I would have been convinced of it in 1961, before the Soviet Union abrogated the 3-year moratorium on nuclear weapon tests. I am not convinced of it now.

In 1958, our Nation held superiority, not only in the numbers of nuclear weapons and their delivery vehicles, but also in the knowledge of weapons design and weapons effects throughout the whole spectrum of nuclear technology. Today, the Soviet Union holds the lead in the design of the very-large-yield hydrogen weapons, and either has drawn even, or is about to do so, in other important areas of knowledge.

The Soviet Union conducted, in 1961 and 1962, the most comprehensive nuclear test program in human history. Now the United States is struggling with its conscience, struggling to deny the implications of the evidence which is before it, struggling to forget that it has been duped and deceived, and struggling to convince itself that it can undertake, in the name of peace and humanity, and without unacceptable risks, another agreement—with the Soviet Union—which will impose restraints on our vital weapons programs.

There is no uncertainty about what happened the last time we trusted Soviet motives in nuclear test matters. The

evidence is clear that the Soviet Union never ceased to prepare for a resumption of nuclear tests. That is an important fact. During all of that moratorium the Soviet Union assessed its needs; it established its timetable; it prepared its test devices; it gathered its instrumentation; it organized its test personnel. And at the moment best calculated to achieve its purpose, it shattered the moratorium—ruthlessly, purposefully, and dramatically. My recollection is that the very day after they announced they would resume testing, they performed one of the highest degree of capability—thus showing preparation, not for days or for months, but for years.

The U.S. program, which for nearly 3 years had stagnated—frustrated both by its inability under the moratorium to conduct needed experiments and by orders which prohibited even the appearance of a state of readiness to resume testing—reeled under the demands suddenly placed upon it by our alarmed Government. Mr. President, the statements I am making now are not my opinions; they are statements of the facts, as testified to under oath by our leading scientists. Proving grounds and test organizations had been disbanded. Delivery vehicles and instruments were either unavailable or inadequate for the needs; nuclear test devices were either nonexistent or were incompatible with a program to test advanced weapon and weapon-effects concepts. Test objectives were both uncertain and uncoordinated.

When we resumed testing, we did not have the necessary means, vehicles, plans, or know-how. The U.S. test program staggered and faltered, and was unable, for almost a year, to mount even a modest series of meaningful atmospheric nuclear experiments. That was our situation in 1961.

And in the meantime the Soviets, using three separate test organizations, each with a different technical objective, conducted test programs simultaneously at three different proving grounds. It was an outstanding example of what a nation can do when its security interests are given overriding priorities.

By mid-1963, however, I believe the Soviet Union was faced with a dilemma. Secrecy, hypocrisy, and deceit had paid very handsome dividends for it in 1961 and 1962, but it was obvious that the U.S. weapons development program was beginning to recover its sense of mission and its momentum. It must have been clear that in 1964 and 1965 the areas of Soviet superiority in nuclear technology probably would be redressed. How could Soviet high-yield weapon superiority be maintained while at the same time providing a means for achieving parity, and possibly superiority, in the lower yield weapons classes where the United States still retained a significant performance lead?

The lower yield weapons can be tested underground. That is the area in which we are now ahead and they are behind.

A readymade solution was at hand. On September 3, 1961, Prime Minister Harold Macmillan and President Kennedy, confronted with the sudden Soviet

violation of the 3-year moratorium and aware of its meaning to the security of the free world, had proposed to Chairman Khrushchev "that their three Governments agree, effective immediately, not to conduct nuclear tests which take place in the atmosphere and produce radioactive fallout." The United States and the United Kingdom, they said, were "prepared to rely upon existing means of detection, which they believe to be adequate, and are not suggesting additional controls."

The Russians would never agree to anything that involved inspection. Since 1945 in one form or another, we have urged the Russians to adopt the original Baruch proposal, which provided for adequate inspection. To this day they have turned down that proposal but have now, for some reason, accepted the concept we have before us. The concept was subsequently embodied in a draft treaty presented at Geneva on August 22, 1962, as an alternative to a treaty banning all nuclear testing, which contained provisions for verification and on-site inspection and had proven objectionable to the Soviet Union.

These overtures were then rejected by the Soviet Union, for obvious reasons. At that time the Soviets had not yet achieved superiority in very high-yield strategic weapons or acquired the data on weapons effects necessary for the design and perfection of antiballistic missile systems. This could come only from atmospheric tests conducted before our programs could regain their momentum. It was important that the time gained by secret preparations be used to full advantage. And it was.

Let us make no mistake about it. The giant advances which the Soviets have made in nuclear weapons and nuclear technology is directly attributable to the 1958-61 moratorium and their duplicitous abrogation of it.

The Russians are not smarter than we are. They do not have more resources than we have. They do not have more ingenuity. They took full advantage of the moratorium.

While we neither tested nor prepared for testing they made intensive preparations and, as a result were able to mount two comprehensive, complex and fullscale atmospheric test series. By comparison, our one series was hastily prepared and only partially successful. There is little doubt in my mind that, since 1958, we are at least 1½ atmospheric test series behind the Soviets. Is there any wonder then that they have been able to attain such remarkable technological achievements and to draw even with and surpass us in several important areas? Is there any reason to believe that they cannot utilize the cover of the pending treaty, if it should be ratified, to again prepare for atmospheric testing in secrecy, abrogate the treaty at their own convenience and leapfrog further ahead of us?

The distinguished Senator from Minnesota [Mr. HUMPHREY] correctly noted in his floor statement on September 10 that—

It takes time to be able to interpret what such a test means, to develop into weaponry

the information gained from such a test, to get the weapon into the arsenal and to phase it into military strategy.

Although the Senator from Minnesota places a different significance on it than I do, this point is well taken and lies at the heart of my concern. It will take the Soviet Union approximately 2 years to digest the large amount of information which they acquired from their superior atmospheric tests series in 1961 and 1962, to translate the data into stockpiled weapons and to determine their military requirements for additional tests. This process has already started.

Like the farm families of my youth, they have cut and stored their firewood in the summer and in the fall; and now, in the quiet of the winter, while the treaty is in effect, they are consuming it—by the use of the testing data which they acquired. They can improve their weapons and conceive and develop new ones.

I am very much concerned that the full impact of the Soviet test series has not yet been felt and that, 1, 2, or 3 years from now, after having gotten full benefit from the test data, they will be able to develop and produce even superior weapons, including perhaps an effective ABM system, and add them to their operational inventory.

It is said that at the signing of the treaty of Moscow those present saw tears come to the eyes of Khrushchev. I do not doubt it. They could well have been tears of happiness as the self-proclaimed leader of the Communist burial squad witnessed the victory of his deceit and planning for deceit.

Whether the balance of power today lies with us or the Soviets today may be impossible to determine. I am convinced that, not merely on hope, but on facts, that it lies with us. But I do know that, since 1958, the very heavy balance of nuclear testing in the atmosphere rests with the Soviets.

We have been often told that it is a balance of power which maintains peace. Those who assert this misread their history. Peace is maintained—not by a balance of power—but by an imbalance of power in favor of those who support and defend the cause of peace against would-be aggressors. My distinguished friend, the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], said in his eloquent speech in favor of ratification of the treaty on September 9:

A continuing arms race, accompanied by mounting fears and tensions, has almost inevitably in the past led to war.

I must question the accuracy of that conclusion. I think the true lesson which one should learn from history that it is the loss of the arms race by the peacekeepers, and not the arms race itself, which has in the past led to war. This has been proven many times in the course of history and at least three times during this century that I can remember. The Kaiser unleashed his forces and provoked World War I only because of the weakness of the rest of Europe and his confidence in Germany's military su-

periority which he had. This pattern was repeated in 1939 when Hitler, encouraged by the fact that his adversaries were weak and militarily inferior, set out to conquer the world by force of arms. On the other side of the world, in 1941, the Japanese attacked us at Pearl Harbor only because of their assessment of our military inferiority. In both World War I and World War II we achieved victory only because we had time to mobilize our industrial might and our material and human resources and overcome the enemy's original superiority. There will be no opportunity for this in a future nuclear war. Therefore, it is important that we recognize the basic truth that even a power-mad dictator is compelled to stay his hand and keep a leash on his military might in the face of superior opposing forces.

Only a year ago, when the President of the United States very properly made his demand that the Russians remove their missiles from Cuba, there was a demonstration of strength. It was not merely his demand—not his words alone—which brought about results; it was the power and the might behind those words; it was our readiness to proceed. The President started forces in motion and moved them to Florida and other places within striking distance. The Communists were convinced that we had the power. They were convinced we had the will and the resolution to use it. That is when the tide changed and they went home—at least, part of them went home.

That is why it is so crucial and vital that we be certain beyond all doubt that, under the treaty, our military superiority and strategic advantages will not be significantly degraded. World peace and our own safety and survival are directly dependent upon the free world maintaining an imbalance of military power in its own favor.

We have a favorable balance, numerically. If one wishes to count weapons, unquestionably we have the greater power now. In spite of all that, it could be quickly lost, should the Russians develop vital and superior weapons which could negate or relegate to the past the effectiveness of this fine arsenal we have so carefully prepared.

If the balance should shift, and if the Soviets should attain real and demonstrable military superiority, we can be sure that they will not hesitate to strike, either actually or by putting a blackmail pistol to our head.

Even if they do not strike, if they attain a clear superiority we will be at their mercy. Thus, in my opinion, if the treaty would permit the U.S.S.R. to attain such superiority, it will prove to be nothing more or less than a pact of national suicide.

Let me make it clear, if I have not done so, that my decision to vote against the ratification of this treaty is not based alone on my concern that we have become the victims of another Soviet deception or have fallen prey to our own wishful thinking. My decision is based primarily on military considerations.

The military disadvantages which will result from this treaty and which are

listed in the interim report of the Preparedness Investigating Subcommittee are factual and real. None of the most responsible witnesses who appeared before us disputed their existence. The disagreement arose from differing evaluations of their significance.

Mr. President, regardless of how any Senator may vote, the subcommittee's report and its statement of facts were agreed to by every single member of the subcommittee, except the Senator from Massachusetts. He issued a brief statement saying that he thought the facts were too pessimistically stated. So the report stands before the Senate with the slightest exception—not even contradiction, but only the slightest exception—as a unanimous report of the subcommittee on a factual basis.

I am proud to say that I believe that this Nation possesses a clear and commanding military superiority at this time. I affirm it and I applaud it. But I am concerned about the future. I am keenly aware that the decisions that made this superiority in nuclear weapons and delivery systems possible were made 5 to 10 years ago and were based on a depth and a breadth of knowledge so superior to that possessed by the Soviet Union as to discourage comparison.

I am also keenly aware that the decisions we are called upon to make today will have their effect 5 to 10 years from now and that today we do not possess an advantage in either the quantity or the quality of knowledge which will assure that these weapons we develop and produce at that distant date will possess a clear and commanding superiority over those of the enemy. I do not understand—I cannot comprehend—the argument that because we now lead we will continue to lead despite our failure to probe the secrets of nature to the same extent as has the Soviet Union.

Another argument in support of the treaty that concerns me involves the assumption that the possession of arms in and of itself is a cause of international tension. I believe that this accurately represents the position of the treaty proponents. Otherwise, how can it be contended that the reduction of either the quality or the quantity of arms will improve the international climate? And how would the argument that this treaty represents a first step in the reduction of tensions have any validity?

Yet not a single advocate of the treaty who came before the subcommittee would admit that the problems which confront this Nation in Laos, in Cuba, in Vietnam, or in Berlin arose from the arms race. All to whom the question was put affirmed that the causes of tension and mistrust had their origins in political and philosophical differences. How then, I ask Senators, can these tensions be relieved by actions or decisions unrelated to their cause?

I believe that political accommodations must precede any actions which affect the quality or the quantity of this Nation's arms. I believe that we have kept the peace in spite of political and philosophical differences simply by maintaining overwhelming military superiority. I believe that the 20 years from 1945

to 1965 will be known to history as the Pax Americana and that history will record that it ended only when well-meaning men injudiciously and illogically confused effect with cause and allowed military arms to degenerate in the face of the enemy.

I repeat: Military forces are the result of political tensions and not their cause. As a U.S. Senator I cannot, and I will not, acquiesce in the impairment of our military deterrent to war until the necessity to deter is removed. This is another reason why I will record my vote in opposition to this treaty.

The treaty proponents are understandably endeavoring to get maximum mileage out of the fact that the Joint Chiefs of Staff support or go along with the treaty.

I am proud that there is such value placed upon the men who occupy these responsible positions. However, I am bound to say that I think that "go along with" is the more accurate description of the position of the Joint Chiefs, because if they are supporters they are, in my opinion, the most lukewarm supporters which the treaty has.

I base this conclusion upon what those gentlemen have testified. I have had no private conversation with any of them about this matter, unless it pertained to when they could be available to testify or matters of that kind. They have given me no "inside information." I could not be honest with this body if I called them supporters of this treaty.

Let me say that I heard all members of the JCS testify at length in executive session and the only conclusion which I could reach was that their hearts are simply not with this treaty. I know they said all the right words—particularly on the subject of political considerations outweighing the admitted military disadvantages—but if I were a member of a jury passing on their position, my verdict would be that they as military men are really not for this treaty.

As military men they are not for this treaty. Why do I say that? It is because in their statements they had to shift gears from the military disadvantages to the political arena. All said, "However, when we weigh the political considerations of this matter—" and they did not mean party politics, of course, but world politics and considerations—"we must conclude, that the advantages would offset the military risks." That does not eliminate the fact that they all testified that certain risks were present.

Let us examine their testimony. General LeMay said, with characteristic frankness, that "as an original proposition, I would not support the treaty"—meaning that he had already run by the light. He said it was too late to form a real judgment on it and say "yes" or "no." He was already involved in political considerations. He could not say anything else.

At the very least, the testimony of the Joint Chiefs was far from comforting or assuring. I personally know these men. I make no attack upon them. They are high in honor, integrity, and ability. But I think the shoemaker did



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not stick to his last. They got out of their field.

They came before the Preparedness Investigating Subcommittee in the role of the highest military authorities in the land and with the express responsibility to assure that our military forces have the best and most efficient weapons obtainable and maintain the highest possible state of preparedness and readiness. They said: Yes, there are military disadvantages to this treaty. Yes, we are inferior to the Soviets in several important areas of nuclear development and knowledge. Yes, the treaty will prevent us from developing and procuring the highest possible quality of weapons. Yes, the continued underground testing which the treaty permits will afford the U.S.S.R. an opportunity to catch up and draw even in the field of low yield weapons where they are now inferior. Yes, there are a number of unresolved and important questions about the possible vulnerability of our weapons and weapons systems which cannot be resolved without atmospheric testing.

Up to this point they make a clear case against the ratification of the treaty from the professional military viewpoint which, after all, is their real field of competence. However, they then crossed the Potomac and set up shop in the State Department's sphere of operation. They told us, in words having a perhaps coincidental resemblance to those used by the President and the Secretary of State, that after having considered the political and foreign affairs implications of the treaty, they had concluded that, on balance, the admitted military disadvantages and risks are outweighed by the political advantages and, therefore, with the reservations they carefully spelled out, they would go along with the treaty.

That is a part of the picture. So far as I remember, among the statements of all the witnesses who testified in the hearings, the only statement which had been sanitized and cleared in advance was the statement of the Joint Chiefs supporting the treaty. We had trouble having small portions of other statements cleared for the public. I was called beforehand and told that the statement would be ready for release. I was asked when I would release that statement. It was desired to release immediately. I said, "What about Dr. Teller's statement? We have been trying to have that released." Several statements came in about the same time. But this was the only one that came in advance with a version that had been cleared for security reasons. The authorities wanted it released immediately. I wanted it released immediately, too. I was not holding back anything. I wanted to have the testimony released.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is the Senator familiar with the account in today's newspapers of the meeting of the Air Force Association, to the effect that General Power's speech before that body was cleared by the Pentagon before he made it, the inference being that there had perhaps been a considerable amount of

change in the general tenor of his presentation from what it would have been?

Mr. STENNIS. I beg the Senator's pardon. I was checking on another matter.

Mr. LONG of Louisiana. Is the Senator familiar with the press accounts of today to the effect that General Power's speech before the Air Force Association had to be cleared with the Pentagon before he made it?

Mr. STENNIS. I am not familiar with that press statement. That is the general rule about security matters, however.

Mr. LONG of Louisiana. I do not care to embarrass the President or members of the Joint Chiefs of Staff. I am sure each is giving his view as God gives him the light to see. However, in the general field of the military advising us in connection with an executive decision, it has been my experience, after 15 years in this body, that once the executive makes a policy decision which presumably takes into account both military and political aspects, military officers, from the top down, are expected to support that decision. They are made to "walk the plank," so to speak, if they do not. It is the end of their career if they do not follow it. Generally speaking, if some one doubted the wisdom of a decision which had both military and political implications, the best that could be hoped for would be to obtain advice from some officer who was expected to be out of the service in perhaps a month or two, or someone who had already retired from his military responsibility, who did not bear the burden of doing what would be expected of him by his superior; namely, the Commander in Chief or the Department of Defense, and have him come to Congress to explain the other side of the question.

Serious support can be mustered for the theory that someone must lead the country in the executive branch; and when members of the Security Council and members of the Cabinet have discussed these matters and a decision has been made, members of the executive branch should support the decision agreed upon, which, generally speaking, is the decision of the Chief Executive. That being the case, I must say, as a Member of the Senate, which is a separate branch of this Government, that we should particularly keep that fact in mind when we are looking for advice given to us from the executive branch of the Government.

Mr. STENNIS. The Senator is raising a very timely point, and has expressed it in a fine way.

With respect to the Joint Chiefs and the other witnesses to whom I have referred, we reached the bottom of their thinking. The Joint Chiefs, it is clear, could approve the treaty only by going into the field of its political implications.

Mr. LONG of Louisiana. They did not approve the treaty from the military aspect.

Mr. STENNIS. They had clear-cut reservations.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. MORSE. The question of the Senator from Louisiana and the response of the Senator from Mississippi leave me in doubt as to what the position of the Senator from Mississippi is on this question. Is it the position of the Senator from Mississippi—

Mr. STENNIS. I did not read the new story referred to. I do not understand the implications that may be involved in the question. I would rather not be diverted from what I shall have to say about the treaty.

Mr. MORSE. I do not mean to do so, but I think the RECORD ought to be clarified. Is it the position of the Senator from Mississippi that members of the military department should be free to make any statements they wish to the American people?

Mr. STENNIS. No; that is not my position. There must be some clearance. That was very clearly set forth in the so-called "muzzling" hearings last year.

Mr. MORSE. The Senator from Mississippi was able to obtain from the military, in executive session, answers to the questions that he sought to ask them; was he not?

Mr. STENNIS. That is correct. In the hearings we got to the bottom of their testimony and obtained the facts.

To continue with my statement, I had not realized before, I confess, that it was the obligation of the Joint Chiefs to take into consideration pure political and foreign affairs considerations in making their decisions as to the military needs and requirements of the Nation. Perhaps I had an outmoded view of their responsibilities but, if so, I was in good company. Secretary of Defense McNamara, in a TV interview on February 17, 1961, voiced "a very simple and strongly held belief that it's inappropriate for any member of the Defense Department to speak on the subject of foreign policy. That's a field that should be reserved to the President, the Secretary of State and other officials in the State Department."

I am not criticizing the Secretary. I merely say that it depends on what the facts and circumstances are, and what the issue is with respect to whether it is desirable to have military men deal with the subject of political policy. This time they were directed to take a position on foreign policy; otherwise they would have disapproved the test ban treaty.

To prove that this was no casual or ill-considered view, the Secretary subsequently made it official by a directive which he issued on May 31, 1961. I do not know what caused the reversal in position since then unless it was the urgent need of the administration to get at least a semblance of support for the treaty from the Joint Chiefs.

In his speech on Monday, the distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, suggested that the experience and knowledge of the justly renowned nuclear physicist, Dr. Teller, "have only very limited relevance to the complexities of international relations." If we are going to invoke the shoemaker-stick-to-your-last doctrine it is not amiss to suggest that it be applied across the board.

With reference to Dr. Teller, the renowned scientist, perhaps the Senator

from Arkansas was correct when he said that his experience had only limited relevance to the field of international relations. However, Dr. Teller testified as a scientist, and he gave very valuable testimony. At one time he was in the minority in the scientific field. However, as a result of his perseverance and his ideas we developed the hydrogen bomb. He was not the sole originator of it, but he was a great driving force, when many said he was wrong.

I wonder what effect it would have had on the number of votes for and against this treaty if the Joint Chiefs had stayed entirely within the area of their professional competence and told us that, from a military standpoint, this treaty is unfavorable to the United States. The fact that the Chiefs did in fact say that, from a military viewpoint, the treaty is unfavorable to us, has been substantially obscured by the fact that they added the judgment that political considerations outweighed the military risks and disadvantages.

It is highly important that this point be fully and clearly understood by all Senators and by the people of the United States.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. On the point of military and political questions, I do not believe there is a clear-cut distinction—certainly not with regard to the testimony and the considerations entering into the decisions made by the Joint Chiefs. This question arose in the executive session with the Joint Chiefs. I particularly invite the Senator's attention to a statement by General Wheeler on page 397 of the hearings, in the middle of the page. General LeMay had already spoken on the subject, but General Wheeler amplified the statement. I quote a portion of his testimony:

General WHEELER. I certainly agree with General LeMay so far as he has gone [deleted]. I would go a step further in merely calling this political. It is political-military.

I think this matter of tensions is important. If a reduction in tensions can be achieved—although I would certainly argue whether weapons cause tensions or tensions cause weapons—perhaps we will have an opportunity to deal with some of the very sticky problems such as Berlin, Cuba, and others which plague us.

The matter of proliferation has been put forward as being a military advantage. I would certainly say this: If we can restrict the proliferation of nuclear weapons, this is a military advantage as well as a political advantage.

Now, I certainly do not have any idea, gentlemen, that the Chinese Communists or the French are going to be deterred in any degree in moving forward to become nuclear powers. However, I think Mr. Khrushchev is right when he points out that their capability is negligible, will be negligible for any foreseeable future that may affect us.

Certainly the smaller the nuclear club the better. Particularly if you can keep these weapons out of the hands of more irresponsible and perhaps more adventurous nations. I would characterize these items as being military advantages as well as political advantages if they can be achieved, Senator.

That is only a part of a long discussion. It strikes me that in this field there is no clear-cut distinction; one consideration is purely military, and another is purely political. I believe General Wheeler expressed it a little better, although General LeMay and others mentioned the same point. They considered the question as military men. I believe that on the overall balance they have arrived at their conclusion.

What bothers me about the Senator's position is that, as he said in the beginning, he is relying on military experts. I am not on the Senator's committee, but I do not know of any greater military experts than the Joint Chiefs, who are responsible for our country's defense. To whom else are we to look? They come before us under oath and swear that they approve of the treaty. Does the Senator feel that he and his committee have greater judgment as to the military aspects of the treaty than do the Joint Chiefs?

Mr. STENNIS. No; not at all. However, probably my political judgment might be equal to theirs, but their military judgments are based on experience and knowledge. It is my opinion that their military judgment did not give the treaty full support; they had to resort to political judgment to support it.

Mr. FULBRIGHT. I cannot agree with the Senator. The Senator, having great political experience, has allowed his political judgment to overweigh the decision of the Joint Chiefs.

Mr. STENNIS. It could be. It might very well be that, in political matters, my judgment equals that of the Joint Chiefs. I have expressed my opinion.

Mr. FULBRIGHT. It is perfectly proper for him to do so.

Mr. STENNIS. I am not putting my judgment against the Senator's, but only against the Joint Chiefs' on political matters. I stated it as clearly as I could. I will develop what General LeMay said.

Mr. FULBRIGHT. General LeMay also appeared before our committee. I do not want it to appear that only the Senator's committee heard General LeMay. We heard him both in executive session and in public session. He made some very significant statements.

I am sure the Senator does not wish to say that these distinguished gentlemen are prepared to deceive the American people under oath.

Mr. STENNIS. The Senator from Arkansas does not wish to impugn the Joint Chiefs. He cannot find anything that I have said which impugns their motives or questions their veracity. To the contrary, he will find the reverse, with emphasis.

Mr. FULBRIGHT. I find it impossible to reconcile the Senator's position with that assumption.

Mr. STENNIS. The Senator has been absent from the Chamber a part of the time while I have been speaking. He might not know everything I have said. I made clear my high regard for the Joint Chiefs. The Senator from Mississippi is basing his remarks purely on his own judgment. Since the Senator has made inquiry, our records show that

General LeMay said he had been directed to give consideration to political matters.

If the Senator wishes to pursue that subject, we will have our transcripts fully cleared on it, and it can be debated.

Mr. FULBRIGHT. I call the Senator's attention to what General LeMay said; it is printed on page 355 of the hearings before the Committee on Foreign Relations. He was asked a question by the Senator from California [Mr. KUCHEL] and a similar question by the Senator from Georgia [Mr. RUSSELL]. I remind the Senator that this is the statement of General LeMay:

#### NO BRAINWASHING

First of all, as to the brainwashing. I would resent very much any attempt to put pressure on me to come up with an answer either way on this treaty. I recognize that I have not only a responsibility to the President and the administration but that I have one to the Congress and to the people of the United States also.

So, I say again that there has been no pressure applied to me in this matter, and I have come up with the best possible answer that I could give, based on all of the knowledge that I have in the military profession in nuclear science, and with all of the input that I could get from everyone who could talk intelligently on this subject.

As to the decision itself, we all feel that there are possibly some political gains that might accrue to the country that would be very important if this test ban treaty were ratified. I think each of us in the Joint Chiefs attaches importance to these political gains. As to how great they might be or how much benefit might accrue from them, I am somewhat more pessimistic than the other Chiefs are in this regard.

Just following General LeMay's testimony, the testimony of General Wheeler appears. I do not wish to burden the RECORD, but I ask unanimous consent that the response by General Wheeler be placed at this point in the RECORD. It follows directly the testimony of General LeMay on page 355. General Wheeler reiterates what General LeMay said.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### INDEPENDENT DECISION ON TREATY

General WHEELER. Senator, my position as regards pressure is exactly that of General LeMay. I, too, would resent any pressure being put upon me.

Of course, every public official is subject to pressure. He has the pressure of his conscience, the pressure of his professional integrity, and the pressures of his duty to the President, the Congress and to the people of the United States. I arrived at this conclusion independently, and at the same time arrived at the same point as did my colleagues.

All of us have reservations in this area. I think the reservations are well spelled out in the paper which we presented to the Congress. In the purest sense of the term any agreement or treaty which limits the manner in which we develop our weapons systems represents a military disadvantage.

On the other hand, there can also be military advantages, and certainly there can be political advantages, to the overall good of the country. I think General LeMay is correct in saying that each of us probably assessed the various risks and the various advantages with a slightly different weight.

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However, the net result you can read. We all agreed that in toto the treaty is acceptable.

Senator KUCHEL. Even more than that, however, sir, is it fair to say that each member of the Joint Chiefs of Staff used the language of the Chairman, "Supports its ratification."

General WHEELER. That is correct, sir.

Mr. FULBRIGHT. Mr. President, I cannot in good conscience question the direct assertions of these gentlemen that they were free to exercise their judgment. Certainly General Power exercised his judgment; and, so far as I know, nothing has happened to him.

Mr. STENNIS. I merely said that in order to approve the treaty, the Joint Chiefs were driven into the field of political considerations in order to get a basis on which to stand so that they could defend the treaty. That is the substance of their testimony.

Mr. FULBRIGHT. General Wheeler pointed out that there is a distinction between the political and the military, but one that is always impossible to distinguish clearly. He calls it a politico-military situation, such as the effect of the relations between the Chinese Communists and Soviet Russia. I do not understand the meaning of the Senator from Mississippi's statement. It seems to leave the innuendo, at least, that the Joint Chiefs were directed to reach a favorable result. I do not believe that is so.

Mr. STENNIS. I am merely citing the testimony.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Has the Senator ever known of any instance in which any member of the Joint Chiefs of Staff has, before a congressional committee, directly opposed a position taken by the Commander in Chief of the Army, Navy, and Air Force, who is the President of the United States?

Mr. STENNIS. I do not know. Those questions arise sometimes. Frankly, according to my observation, such men did not stay around very long if they disagreed with the administration on a substantial matter.

Mr. LONG of Louisiana. If a person who holds such a high office feels that his conscience requires him to differ with his Commander in Chief does that not tend to prejudice his future as a military officer, in that he is not likely to be found entirely necessary to hold high position which has both political and military implications, or to be selected, after retirement, to be a representative of the President before some international body? Is his position not impaired when he finds it necessary to take issue with his Commander?

Mr. STENNIS. It is true that they are military officers in high position; but at the same time they are a part of the administration. Regardless of the administration in power, the Joint Chiefs must give some consideration to policy matters. I do not criticize them for doing so. I said that, as a military matter, they did not approve the treaty.

Mr. FULBRIGHT. What about General Eisenhower?

Mr. STENNIS. The Senator from Washington has been waiting for me to yield to him. I have delayed while I yielded to the Senator from Louisiana.

Mr. JACKSON. I merely wished to make the observation, as one who has tried to follow the course of the treaty closely, as have other Senators, that the Joint Chiefs came to the conclusion that there was a net military disadvantage. General LeMay said to the Foreign Relations Committee, on page 358 of the hearings:

We examined the military and the technical aspects and came up with a net disadvantage in that field.

General Taylor stated further, and I quote from page 275 of the hearings:

The Joint Chiefs have reached the determination that while there are military disadvantages to the treaty, they are not so serious as to render it unacceptable.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. When they say "net disadvantage," does that mean an absolute disadvantage, regardless of the effect upon the Russians? Does it not merely mean that they cannot do everything they would like to do, disregarding the net effect upon the Russians? Does it not mean a relative disadvantage? Of course we must assume, in order to argue the question, that the Russians will abide by the treaty. If the assumption is that the Russians will not abide by it, that they will immediately cheat on it, all these arguments are rather meaningless. But assuming that they abide by it, does the Senator consider that the Joint Chiefs' statement is based upon the assumption that in some way the harm, the disadvantages, to the military forces of the United States are greater than similar effects upon the Russians? I can easily understand how any military man might say, "Yes, the treaty will restrict us. It has disadvantages." That does not necessarily mean that if it restricts an antagonist in a similar way there is any net disadvantage to the country. Is that the point the Senator makes?

Mr. STENNIS. I am discussing the testimony given by the Joint Chiefs. When one enters into the political field, he can argue anything he wishes. It is necessary to take political considerations into view in reaching a decision when one is a part of the administration. That is not to their discredit or that of the President. It is a part of our system.

I say again that as military men, speaking from a military viewpoint, they did not approve the treaty because of its hazards and disadvantages. They had to go into the political field in order to do so. That is what they said.

Mr. FULBRIGHT. I do not believe their testimony supports that conclusion.

Mr. STENNIS. I read from page 358 of the hearings of the Committee on Foreign Relations. The Senator from Iowa [Mr. HICKENLOOPER] was questioning General LeMay. I intended to develop something on this point later. The testimony was as follows:

#### POLITICAL FACTOR FOR SUPPORTING TREATY

Senator HICKENLOOPER. I have no quarrel with that. The question I am concerned with, so far as the Joint Chiefs' attitude is concerned: Which would you say, if you had to say—and I shall not force you, of course—was the controlling consideration in the arrival at your conclusion to support the treaty? Was it the military security and advantage to this country that moved the Joint Chiefs or was it the political implications or arguments of a broad nature that had their effect?

General LEMAY. I would say probably the key factor was political in this case. We examined the military and the technical aspects and came up with a net disadvantage in that field.

Senator HICKENLOOPER. In the military?

General LEMAY. In the military; yes, sir.

Senator HICKENLOOPER. Yes.

General LEMAY. Then we examine the political gains that were possible, and we came up with a net advantage there which we thought offset the disadvantages if we were able to reduce those disadvantages by the proper safeguards.

That fully sustains the argument the Senator from Mississippi has been making.

Mr. FULBRIGHT. I wish the Senator would read the next two lines.

Mr. STENNIS. I have not read them.

Mr. FULBRIGHT. They pertain to the same line of questioning. This problem is not so easily disposed of. Also, I believe this testimony should be read in connection with the executive testimony to which I referred earlier.

Mr. STENNIS. The Senator from Arkansas will have an opportunity to ask questions.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the remainder of the testimony on page 358 and extending through the first 3 lines on page 359 be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### WEIGHING MILITARY AND POLITICAL ADVANTAGES

Senator HICKENLOOPER. General, let me ask you this. I don't mean this question to have disrespectful connotation, but weren't you getting a little out of your field when you let the so-called political advantages, which are basically out of your professional and technical field, outweigh the disadvantages which are in your technical and professional field, and cause you to come up with an answer which, if left solely to the area of your major competence, would have been a disadvantageous discovery or a disadvantageous decision?

General LEMAY. No, sir; I think I must disagree with you there. We have a broader duty, I think, to the country than just considering military questions. If we were commanders in the field, particularly at the lower echelons, certainly our duties would be almost solely in the military field. However, even our unified commanders, particularly those abroad, must enter into the political fields.

Now, for instance, General Lemnitzer in Europe today must handle not only military problems but political problems, and they probably give him more headaches than all of his military problems.

So, I think we are in the political field to some extent. I think that it plays a secondary role to our military responsibilities, but I think we must consider these political factors in the solution of our military problems, because they are important, and they do have a bearing on our solutions.

Senator HICKENLOOPER. All right.



Mr. STENNIS. I have not had an opportunity to read that. In fact, the report was handed to me only a few minutes ago.

Mr. FULBRIGHT. I should like to read parts of it now, if I may.

Mr. STENNIS. Very well.

Mr. FULBRIGHT. First, I read the following:

General LEMAY. No, sir; I think I must disagree with you there. We have a broader duty, I think, to the country than just considering military questions. If we were commanders in the field, particularly at the lower echelons, certainly our duties would be almost solely in the military field. However, even our unified commanders, particularly those abroad, must enter into the political fields.

Now, for instance, General Lemnitzer in Europe today must handle not only military problems but political problems, and they probably give him more headaches than all of his military problems.

So, I think we are in the political field to some extent. I think that it plays a secondary role to our military responsibilities, but I think we must consider these political factors in the solution of our military problems, because they are important, and they do have a bearing on our solutions.

I submit that that testimony does not indicate that someone held a gun at his head, and said to him, "You must consider the political problems involved."

Mr. STENNIS. Let me read the next two questions and answers:

Senator HICKENLOOPER. All right.

Well, then, General, let me ask you this to trim this down just a little bit in my own thinking: If the question had been submitted to you as a member of the Joint Chiefs of Staff as to your views of the desirability or lack of desirability from a security and nonpolitical standpoint to the United States, what do you think the answer of the Joint Chiefs would have been?

General LEMAY. I am inclined to think that we would have weighed these political factors in addition to the military factors in this case but if you automatically cut off the political factors from the pure military question then there are net disadvantages from the military standpoint. And if you consider nothing else, why that is it.

That very clearly shows the substance of General LEMAY's testimony on those points. Of course, we could read much more of it.

Mr. FULBRIGHT. Well, Mr. President—

Mr. STENNIS. Mr. President, I wish to be courteous to the Senator from Arkansas; but I have not previously spoken on the subject of the treaty, and I still have a considerable part of my speech to deliver. I hope the Senator from Arkansas will keep that point in mind. I shall not take much more time.

Mr. FULBRIGHT. Will the Senator from Mississippi permit me to read one more sentence on the same page?

Mr. STENNIS. All right.

Mr. FULBRIGHT. Just after the portion the Senator from Mississippi read, we find the following:

General LEMAY. Well, I certainly disagree with you there.

If you are going to land on a shore, with an amphibious operation, one of the things you want to know is how are you going to be received by the population. This is a political factor, and it will affect your operations.

This is an illustration of the fact that it is impossible to distinguish clearly between a military consideration and a political consideration. They are inextricably merged, in their judgment.

So I do not believe that the argument about military disadvantages is pertinent. I believe that we must judge the treaty on the basis of all the considerations involved.

Mr. STENNIS. Yes.

I wish to read one more question and answer at that point in the testimony:

Senator HICKENLOOPER. I see. I suppose there are always some political facets to a thing of that kind. Well, I shan't pursue this any further, Mr. Chairman. I was merely trying to see if we could divide the military from the political interlocking that apparently was joined in the Joint Chiefs' final summarization.

General LEMAY. I hope I was responsive to your question, Senator. But I believe that we must consider those political factors in all of our problems at the Joint Chiefs level, and I think we do generally. But to answer your question, if you only considered the military factors, just military alone which we did, there is a net disadvantage. But not so much of a disadvantage that we couldn't accept it for a possible gain in another field if our safeguards were applied.

So there is no question about the general's position on that point.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield briefly to the Senator from Louisiana.

Mr. LONG of Louisiana. The distinguished chairman of the Foreign Relations Committee made the point that in order to justify approval of the treaty, we must assume that the Russians will abide by it. Let me go a step further, and say that I believe the correct inference from that statement is also that in order to justify casting his vote in favor of approval of the treaty. A Senator must assume that the Russians will not cheat after the treaty goes into effect. But if we are to assume that the Russians are not going to lie, deceive, mislead, and cheat us in every way they can, to their advantage, and if, based on that assumption, we make three or four major decisions, we might as well surrender right now.

Mr. STENNIS. I thank the Senator.

Mr. MILLER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield.

Mr. MILLER. I should like to echo what the Senator from Louisiana has just said. I hope perhaps the Senator from Arkansas will modify his statement, because I would suggest that if we must assume that the Soviets will abide by the treaty, before any Senator will be willing to vote in favor of approval of the treaty, no Senator would vote in favor of approving it.

The testimony of the most ardent proponents was given on the assumption that the Soviets will break the treaty whenever it serves their interests to do so. The Chairman of the Joint Chiefs of Staff said, not long ago, "We assume that they will cheat." So I believe we must be very careful about all this; and if we vote in favor of approval of the treaty,

we should do so on the basis of those assumptions.

Mr. FULBRIGHT. Will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. Jordan of Idaho in the chair). Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. STENNIS. I yield—although I wish to continue with my speech.

Mr. FULBRIGHT. But I hate to have an erroneous statement placed in the Record without any reply.

Mr. STENNIS. Then, of course, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. First, I should like to call attention, on page 274, to the Joint Chiefs statement, as follows:

However, the dangers of detection and the cost and difficulty of testing in outer space would tend to impose severe restrictions upon such clandestine testing. Other clandestine tests in the atmosphere or underwater, depending upon their size, would involve a fairly high probability of detection by our conventional intelligence or our atomic energy detection system. Moreover, the Joint Chiefs of Staff consider the resulting progress which the Soviets might make clandestinely to be a relatively minor factor in relation to the overall present and probable balance of military strength if adequate safeguards are maintained.

He was saying that the nature of the treaty is such that it would not be profitable or in their interests for the Russians to cheat. That is exactly what I believe, because it would be idiotic for them to sign the treaty and then immediately begin to cheat, because by doing that they would only lose their standing, such as it is, with their own allies, not with us.

I said it is true that a Senator who assumes, as a basic assumption, that the Russians will not at all abide by the treaty, should vote against approval of it. Our assumption is that it is in the interests of both the United States and Russia, and that both nations will abide by it.

But if a Senator is convinced that the Russians will not abide by it at all for any appreciable length of time, he should vote against its approval.

Mr. STENNIS. I thank the Senator.

Mr. President, to continue with my speech, let me say it is noteworthy, I think, that in their appearances before the Preparedness Subcommittee, the Chiefs were repeatedly urged to give their assessment of the treaty from a military standpoint alone. Although pressed on this point, they declined to give such an evaluation, and declared that they were unable to so limit their thinking.

Senators have pointed out that later the Joint Chiefs returned, went back to the committee, and then said they had thought further about this matter; and then—in response to the questions asked by the Senator from Iowa [Mr. HICKENLOOPER]—they did attempt to make those distinctions.

I think that it would be informative and enlightening for the Members of the Senate to go to the office of the Preparedness Investigating Subcommittee and read the first joint position paper of the Joint Chiefs, which was prepared and submitted prior to the negotiation of the

treaty, and compare it with their second joint position paper, submitted after the treaty was signed. Certainly their original testimony to our subcommittee was carefully prepared and carefully submitted.

General LeMay, I think, put the matter in its proper perspective. He told us:

I think that if we were in a proposal stage that I would recommend against it. I think one of the factors that weighs heavily with me was the situation we find ourselves in in having signed it. I think that is important.

That is the testimony to which I previously referred.

Of course, this is one of the arguments most relied upon by supporters of the treaty. The President himself, in his television interview on September 9, referred to the unhappy consequences which would result "if the U.S. Senate rejected that treaty after the Government has committed itself to it."

The Senator from Georgia is present in the Chamber. I know that he indicated he would like me to yield to him. I am glad to yield to him at this time.

Mr. TALMADGE. Does the Senator draw from the statement of General LeMay that he would have been opposed to the treaty had he been asked about it in advance; and that subsequent to the signing of the treaty it would be too embarrassing for him to say that he was opposed to it?

Mr. STENNIS. The Senator is entirely correct. As originally proposed, he would not recommend it, but now it has gone beyond that point.

Mr. TALMADGE. In other words, General LeMay's military judgment dictated that he should recommend against the treaty, but after it was signed—and now I believe some 92 nations have also signed it—his political judgment outweighs his military judgment and he is now for it. Is that the conclusion of the Senator?

Mr. STENNIS. That is a fair inference. Substantially that is what he said.

Mr. TALMADGE. I thank the able Senator.

Mr. STENNIS. I thank the Senator from Georgia.

In the statement which I quoted the President made a basic and fundamental error. The Government has not committed itself to this treaty. The Senate is a coequal partner in the treaty-making process and the Government cannot be committed to any treaty unless two-thirds of the Senators present concur.

That is a quotation from the Constitution of the United States.

In addition, this position represents a strange and degrading view of the advise and consent clause and the role of the Senate in the treaty-making process.

That is one of the saddest things about this entire picture—the degrading view that has been taken of the advise-and-consent clause and the role of the Senate in making any treaty valid and binding upon our almost 200 million people.

It is our duty and responsibility to consent to a treaty only if we find, from our own appraisal of the facts, that it is truly in the best interests of the Nation. That is what our Founding Fathers in-

tended. That is what they said; and we have never changed that rule. I believe that they were wise to put this restraint and check upon the executive branch of the Government. In passing upon treaties we represent the people of the United States and are, in a sense, their court of last resort. I—for one—will never accept the view that the Senate cannot or should not reject an unwise and ill-conceived treaty merely because the executive department has committed itself to it. We are a completely independent branch of the Government—not a rubberstamp. We must make an independent assessment of the treaty upon its merits and, if it is unwise, or if its consequences would affect adversely our national security, it is our solemn duty and obligation to reject it. It does the Senate an injustice to suggest that we should vote for a treaty, however ill conceived, merely because there are some who believe that we have gone too far to turn back. In passing upon treaties I hope the day will never come when any one of us gives any credence whatsoever to the theory that the executive department by unilateral action can take us past the point of no return.

But there seems to be some difference of opinion between the Joint Chiefs and the Members of this body on this point. General LeMay said that we are already committed, and he went into the political arena to prove it. But we are not committed under the Constitution.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. Is it not true that during the past several decades the executive branch of the Government has been making what are called executive agreements, some of which have even been sent to the Senate for ratification, that have been binding upon our Nation in several foreign areas and with foreign countries?

Mr. STENNIS. A great many such agreements have been made. Not too long ago in the Senate a proposed constitutional amendment limiting executive agreements failed by one vote.

Mr. TALMADGE. Was not the constitutional provision in relation to treaty requirements designed by our Founding Fathers to prevent executive agreements and executive abrogation of the constitutional authority?

Mr. STENNIS. The Senator is correct in his knowledge of constitutional law. I have a quotation which will sustain the point the Senator has made, in the form of a statement made by Rufus King on the floor of the Senate.

Mr. TALMADGE. Does the Senator recall that back in the early 1930's, the then President of the United States, President Roosevelt, exchanged letters with Litvinov, who was then Ambassador from Russia, and the exchange was subsequently considered to be an executive agreement, which had the force and effect of voiding and superseding certain provisions of the Constitution and was so upheld by our Supreme Court?

Mr. STENNIS. The Senator is correct. I remember the case. I have not looked into it lately, but that is an outstanding case.

Mr. TALMADGE. I recall reading that case several years ago. Any number of executive agreements which have been upheld by the Supreme Court of the United States have had the effect which this particular agreement would have, of annulling and voiding certain provisions of the Constitution of the United States.

I commend the distinguished Senator from Mississippi for his vigorous upholding of the constitutional advise-and-consent clause of the Constitution of the United States. It was intended by our Founding Fathers that the vast treaty-making power not be vested in the hands of one man or his subordinates, but that it be shared with the elected officials of the Congress; namely, the Senate. I vigorously support that view.

Mr. STENNIS. I thank the Senator. As usual, he has sound thoughts on the constitutional question.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the majority leader.

Mr. MANSFIELD. Unfortunately I have not heard all of the Senator's speech, but so long as the subject of executive agreements has been brought up, since the time of George Washington the idea of an instrument known as an executive agreement, which was an agreement culminated between the chiefs of States without ratification by the Senate, has been attempted at various times in the history of our country. But I point out to the Senator that what we are considering now is not an executive agreement, but a treaty, which under the Constitution should be and has been referred, under the advise and consent clause of the Constitution, to the Senate for ratification by two-thirds of the Senators present and voting.

So far as the particular instrument before the Senate is concerned, this particular President has been aboveboard in his relations with the Senate and has even gone so far as to say, not once, but several times, as has his agent the Secretary of State, that if there is to be any tampering with the treaty through the use of amendments, such amendments, under the Constitution, will have to be sent to the Senate for its advice and consent, and for ratification by a two-thirds majority of Senators present and voting.

Mr. STENNIS. That is correct. The record is clear on that point. While the Senator from Montana was absent from his desk the Senator from Mississippi pointed out that the President should be commended. He has done exactly the right thing in proceeding by the route of the Constitution to bring the treaty to the Senate. The Senator from Mississippi further said that he heard some discussion a year ago about an executive agreement, but that was not attributed to the President of the United States or anyone close to him.

It was discussed only to a limited extent. The President has been consistent. He sent this treaty to the Senate.

It is his domestic Executive orders to which the Senator from Mississippi objects.

Mr. MANSFIELD. The citation by the distinguished Senator from Georgia was

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correctly stated. Such did happen in the 1930's. But, so far as I know, nothing of that nature has happened within the past decade or so.

Mr. STENNIS. The Senator is correct. Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Georgia.

Mr. TALMADGE. The Senator from Georgia made no such reference with respect to the present treaty.

Mr. MANSFIELD. I understand that. I was merely bringing out the fact.

Mr. TALMADGE. The Senator from Georgia was merely upholding the position taken by the distinguished Senator from Mississippi that no treaty could have any force or effect without ratification by two-thirds of the Members of the Senate of the United States.

The Senator from Georgia, also, was pointing out that there have been instances in our history when executive agreements have nullified State constitutions. Such agreements were never submitted to the Senate; and the Senator from Georgia was deploring that fact.

Mr. STENNIS. That is correct.

Mr. MANSFIELD. Mr. President, the Senator from Georgia is exactly correct, as he usually is. When I came into the Chamber I heard a reference to an executive agreement. Not knowing the connection, I wished to make doubly sure that so far as the instrument under consideration is concerned there was no such thought in mind.

I am delighted that both the Senator from Georgia and the Senator from Mississippi have indicated that the instrument now before the Senate is the kind of treaty which is subject to advice and consent and a two-thirds vote by Members of the Senate.

Mr. TALMADGE. There was no contention to the contrary.

Mr. STENNIS. I assure the Senator from Montana that this is one time when the Senator from Georgia and the Senator from Mississippi are not getting out of bounds according to the Senator's standards.

Mr. President, I resume my remarks.

The true role of the Senate in the making of treaties was defined by Rufus King on the floor of the Senate on January 12, 1818. Senator King had been a delegate from Massachusetts to the Constitutional Convention. He later was elected U.S. Senator from New York. This is what he said:

In these concerns the Senate are the constitutional and the only responsible counselors of the President. And in this capacity the Senate may, and ought to, look into and watch over every branch of the foreign affairs of the Nation; they may, therefore, at any time call for full and exact information respecting the foreign affairs, and express their opinion and advice to the President respecting the same, when, and under whatever other circumstances, they may think such advice expedient.

To make a treaty includes all the proceedings by which it is made; and the advice and consent of the Senate being necessary in the making of treaties, must necessarily be so, touching the measures employed in making the same. The Constitution does not say that treaties shall be concluded, but

that they shall be made, by and with the advice and consent of the Senate; none therefore can be made without such advice and consent; and the objections against the agency of the Senate in making treaties, or in advising the President to make the same, cannot be sustained, but by giving to the Constitution an interpretation different from its obvious and most salutary meaning.

I emphasize this not because anyone seeks to do otherwise with respect to the pending treaty, but because there has been an argument made many times. It was even repeated in a news conference, as I understand the report in the papers, when the President of the United States pointed out that we have gone so far we cannot turn back. A conclusion like that ignores, for the time being, the essential mandate of the Constitution of the United States that these matters can be concluded only in the Senate.

Furthermore, do any of us here really believe that the role of this Nation as leader and protector of the free world rests on such an unsubstantial foundation as the vagaries of so-called world opinion? The sources of our power and our wealth will not be altered by our rejection of this treaty. These are the bases for our claim to leadership. Do these statements imply that our historical role and our membership in the North Atlantic Treaty Organization, the Central Treaty Organization, the Southeast Asian Treaty Organization, the Organization of American States, our foreign aid and military aid programs, our defense of Korea and Berlin, and our support of the United Nations will be forgotten? Do such statements imply that our worldwide friendships and bilateral alliances will be shattered by the rejection of the treaty? I do not believe it at all.

World opinion is too inconstant to be made the basis for foreign policy. World opinion was not outraged when the Soviet Union shattered the 3-year moratorium on nuclear testing in September 1961. I challenge the contention that this Nation is such a feeble reed that it will bend under the temporary displeasure of other nations which are surrendering nothing by signing this treaty, and which, in the final analysis, have a direct interest in the maintenance by this Nation of a strong and vital deterrent to the aggressive tendencies of the Soviet Union.

Let me say a further word about the Joint Chiefs and their role in this matter. From the testimony which I heard beginning last September I am convinced that the Chiefs were not fully consulted about the military aspects and implications of the various nuclear test ban proposals. I am convinced that this is true with respect to the treaty now pending before us. Their role in this matter seems to have been consistently downgraded, and I am concerned about the thinking of those who would commit to us a treaty which has such a direct and momentous effect on our Military Establishment without full, exhaustive, and thorough consultation with our top military planners.

I say this again with all deference to all parties concerned, military and civilian. Even apart from the treaty, these

words need to be said. Not in criticism of anyone, but these words should be said with reference to the necessity of our top military men being consulted in advance. As General LeMay said, the decision had already been made. The lights had already been run—to say whether they were green or red is only argumentative. So far as the executive department is concerned, the matter had been concluded when the military men got into it in a comprehensive way.

I know that there are those who have given assurance that the Chiefs were fully consulted, but let me cite the record. First, there is the fact that, for some strange reason, no high-ranking military officer accompanied the Harriman delegation to Moscow.

I asked Secretary Rusk in the open hearing before the Committee on Foreign Relations why one of the Joint Chiefs of Staff or some other military representative was not taken to Moscow. I received a very fine answer. He said it was not considered necessary. I do not know exactly how to interpret that. It could have been a short answer, although I am sure he did not mean to be curt. Giving it a literal interpretation, it was said that no military adviser was needed.

Next I cite a question and answer exchange from General LeMay's testimony on August 16:

Senator GOLDWATER. Did Mr. McNamara visit with you prior to the departure of Mr. Harriman to Moscow?

General LEMAY. No, sir.

Senator GOLDWATER. On this treaty? Has he visited with you since on this treaty?

General LEMAY. No, sir.

General LeMay also said Secretary McNamara "did not come down to a full meeting of the Joint Chiefs and discuss the treaty. He did not discuss it with me personally."

Adm. George W. Anderson, Jr., former Chief of Naval Operations, when he appeared before the Subcommittee on August 23, was asked "did Secretary McNamara consult with you about this specific treaty?" He replied:

To the best of my recollection, Secretary McNamara did not discuss this particular treaty with the Joint Chiefs of Staff while I was present prior to the first of August.

There was then the following question and answer:

Mr. KENDALL. Then I take it that you are saying that there was no discussion by Secretary McNamara with you or the Joint Chiefs when you were present prior to Mr. Harriman going to Moscow and proposing this treaty.

Admiral ANDERSON. On this particular treaty, that is correct.

The fact that the Joint Chiefs were not consulted and given the opportunity to present their views as to the military implications of the treaty prior to our commitment comes through loud and clear on the record before the Subcommittee.

Let me now discuss rather briefly the military and technical aspects and implications of missile tests bans—a subject on which the Preparedness Subcommittee held hearing for 11 months. There is little doubt that the depth and range of these inquiries was greater than any



conducted by any other committee of the Congress on this subject in a long while.

Before entering into a discussion of the military implications of the treaty, however, I would like to point out a fact that seems to have been generally overlooked. This fact is that exactly one-half—12 of the 24, to be precise—of the witnesses who appeared before the subcommittee are identified by backers of the treaty as being proponents of it. These were Adm. George Anderson, former Chief of Naval Operations; Dr. Norris E. Bradbury, Director of Los Alamos Laboratory; Dr. Harold Brown, Director of Defense Research and Engineering; William C. Foster, Director of the Arms Control and Disarmament Agency; Dr. Leland Haworth, then with the AEC; Gen. Curtis LeMay, Air Force Chief of Staff; Dr. Franklin Long, then ACDA's Director of Science and Technology; John McCone, Director of Central Intelligence; Adm. David McDonald, Chief of Naval Operations; Paul H. Nitze, Assistant Secretary of Defense for International Security Affairs; Gen. Maxwell Taylor, Chairman of the Joint Chiefs of Staff, and Gen. Earle G. Wheeler, Army Chief of Staff.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Going back over the several pages of the Senator's manuscript, it seems to me the impression may be gathered, on the basis of the testimony cited, that the Joint Chiefs of Staff were under some compulsion to accept this treaty. I wish to state for the record that is not so. I know the Senator from Mississippi has not stated that and does not intend that, but I am afraid the implication may get out that some sort of pressure was used.

I recall, for example, that the distinguished Chairman of the Defense Committee asked the question directly of General LeMay and other members of the Joint Chiefs of Staff if there was any pressure exerted. The answer was "No."

I can well imagine anyone exerting any pressure on members of the Joint Chiefs of Staff of the caliber of General LeMay and his colleagues.

Then, during the course of the executive hearing, since which time the record has been cleared, the question was asked specifically by the Senator from Montana—now speaking—of each member of the Joint Chiefs of Staff if he was in favor of the ratification of this treaty, and the answers came back, yes, they were, provided the four safeguards—which the Senator knows about—were included.

To the best of my knowledge, every single Senator was then and is now in favor of these safeguards. To the best of my knowledge, there were no pressures used on the Joint Chiefs of Staff. To the best of my knowledge, each member of the Joint Chiefs, when asked, individually stated he was for the ratification of the treaty, provided the four safeguards were included.

In the statement made by the distinguished chairman of the Subcommittee on Preparedness, I point to the fact that he has stated that "exactly one-half—

12 of the 24, to be precise—of the witnesses who appeared before the subcommittee are identified by backers of the treaty as being proponents of it."

Mr. STENNIS. Mr. President, may I interrupt the Senator from Montana?

Mr. MANSFIELD. Yes.

Mr. STENNIS. May I inquire why the Senator from Montana asked the Senator from Mississippi to yield? Does he have a question to propound?

Mr. MANSFIELD. I beg the Senator's pardon. As I said in the beginning, I was not disagreeing with what the Senator said, but I was concerned about what interpretation might be placed on it. I thought, for the purpose of the RECORD, it might be well to bring up this question.

Mr. STENNIS. Go ahead and finish your question, please.

Mr. MANSFIELD. No; that is enough.

Mr. MILLER. Mr. President, will the Senator yield on that point?

Mr. STENNIS. I yield.

Mr. MILLER. The Senator from Iowa has been sitting here during the Senator's very able speech. I thought perhaps I should make clear that my interpretation of what the Senator from Mississippi has been getting at is that, first, the Joint Chiefs of Staff were not coerced—

Mr. MANSFIELD. No; were not consulted.

Mr. STENNIS. That is second.

Mr. MILLER. Second, at least one member of the Joint Chiefs of Staff said had it not been negotiated and signed by many other countries, he probably would have been against the treaty.

As I deduce what the Senator from Mississippi is getting at, the so-called unilateral action or so-called world opinion being put forward as a consideration for the Joint Chiefs of Staff was not, in his opinion, a fair consideration for the Joint Chiefs of Staff to have to evaluate.

Mr. STENNIS. I thank the Senator from Iowa. I thank the Senator from Montana, too. The Senator from Iowa has summed up the situation.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me in connection with the question of the Senator from Iowa?

Mr. STENNIS. I will always yield to the chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. On page 394 of the Committee on Foreign Relations hearings—and this particular part was originally taken in executive session—

Mr. STENNIS. If the Senator from Arkansas will permit me, before he goes into that subject, I wish to be courteous to any Senator, but there is some consideration due to a Senator who has the floor. Will the Senator permit me to complete my remarks, which will not take very long?

Mr. FULBRIGHT. Certainly. The Senator has every right to complete his remarks without any interruption. It was only because the Senator from Iowa injected this thought and left it in the air that I thought—

Mr. STENNIS. I thought the Senator from Arkansas was about to discuss what General LeMay said.

Mr. FULBRIGHT. It had to do with the point which the Senator from Iowa raised.

Mr. STENNIS. I want to be courteous to the Senator from Arkansas, who is compelled to be absent from the Chamber part of the time, but I should like to complete this speech.

It was on the basis of all of the testimony which the subcommittee heard that we reached the conclusion that the treaty would result in the following military disadvantages:

First. The United States will not be able to match the performance already demonstrated by the Soviet Union in weapons yielding more than about 30 megatons. We are told that the United States has no requirement for such weapons. The statement is not fully accurate. The record will disclose that a military requirement for such a device has been expressly stated. It has not been granted, but its requirements have been stated.

Second. The United States, by being unable to test such very high yield weapons, will continue to be unable to realistically assess their military value. The reference here is to so-called big bombs.

Third. The United States will not be able to acquire the knowledge it needs on the performance of weapons at high altitude. Without such tests there will be unresolved uncertainties about both the warheads and radar performance of any antiballistic missile system employing nuclear weapons.

Fourth. The United States will be unable to prove the performance and reliability of antiballistic missile systems under conditions in which the defensive missiles, the radars and the warheads are exposed to nuclear explosions. Without the confidence that such testing alone will bring, I believe it is unlikely that any program as demanding of national resources as this may prove to be will ever reach operational status. Gen. Curtis LeMay told us:

I think you probably can build one (an ABM system) that will work, but how well it is going to work, what degree of efficiency it is going to have is something else again \* \* \*. The thing you will not know is how effective our radar and control and guidance system is going to be \* \* \* under conditions of nuclear war. This we do not know \* \* \* and I would prefer to test.

That is a military man speaking on a military subject. I am glad to yield to the Senator from Wyoming.

Mr. SIMPSON. We are all deeply concerned about this matter and gravely interested in it, of course. Because of the experience of the Senator from Mississippi, as chairman of the Subcommittee on Preparedness, I wish to ask him whether it is not correct to say that in the course of the testimony adduced before this committee it was revealed by the witnesses that the high-test yield of Russian bombs enabled them to procure advantages from the standpoint of the antiballistic missile missile.

Mr. STENNIS. Yes; they are related.

Mr. SIMPSON. Would it not be possible that by the very use of the high test explosive they did procure some information with respect to the electro-magnetic energy bomb, which would enable

them to do away with our effort to retaliate on our so-called second strike?

Mr. STENNIS. Yes; that is a possibility. It is one of the grave questions involved. I shall mention the second-strike feature later in my remarks.

Mr. SIMPSON. If the electromagnetic energy bomb had such a potential, would it not be possible to neutralize, in their silos, the Atlas, Minuteman, and the other missiles?

Mr. STENNIS. That is certainly a possibility. I say "possibility" because it is not known.

Mr. SIMPSON. I come from a State where missile sites are located, and therefore I and my people are very much interested in this subject.

Mr. STENNIS. The Senator from Mississippi will mention that point next. I commend the Senator for his interest in the subject.

Fifth. The United States will not be able to verify the ability of its hardened underground missile systems to survive close-in high-yield nuclear explosions. This is where the Wyoming missile sites come into the picture. They have been tested as to their workability in calmness and peace and tranquillity, and they work that way. However, we do not know how they will work with a nuclear explosion somewhere near them. When I say "near" I do not mean a direct hit or nearby. I mean a near miss. They have not been tested under those conditions. The fact is not generally known. They have not been tested as to their survivability, even though they are hardened. They have not been tested as to their survivability in case of a high-yield nuclear explosion. I do not mean that they would not survive physically, but there is a question as to the effect of electromagnetic phenomena upon them.

Mr. SIMPSON. Recently the Senator from Wyoming, with the distinguished Senator from Virginia [Mr. ROBERTSON], made an inspection of the missile sites in Wyoming, Colorado, and Nebraska. What the Senator has just now started was discovered with respect to the hardening process and also with respect to the fact that they had not been tested out.

Mr. STENNIS. We talk about hardening, and we are told that we believe they will withstand a concussion from a nearby explosion. However, they have not been tested in that respect. We do not know how they will react from the standpoint of their electrical system and what their response will be to nuclear effects should there be an explosion nearby.

Sixth. The United States will be unable to verify the ability of its reentry vehicles and warheads to penetrate to enemy targets under defensive nuclear attack.

That means that we would be unable to verify how our missile launchers would react under attack, and whether they would work; and we would not be able to verify the ability of the warheads at the other end to survive and reach the target in a nuclear environment. We have not made complete tests under those conditions. Testing has not been completed. These are some of the haz-

ards that are involved in the reservations with which the Joint Chiefs labored, and which, in their judgment and in their recommendations, are to be cut off.

Seventh. The treaty will allow the Soviet Union to equal U.S. accomplishments in the design and performance of tactical weapons—that means smaller weapons—without any equivalent opportunity for the United States to draw even with the Soviet Union in very high-yield weapons.

This point is put in the technical language that I mentioned in the beginning. The treaty denies us testing in the atmosphere, where we are weakest. This is what should be done with regard to the missile launchers in Wyoming and elsewhere, when the missiles met air filled with effects of nuclear explosions. We would be cut off from testing in that area, in which the Soviets are strongest. They need testing with respect to weapons that can be tested underground.

Eighth. The treaty would deny a valuable source of intelligence to the United States on Soviet test programs gained from the analysis of radioactive debris. It will reinforce the difficulties already imposed by Soviet secrecy practices.

Furthermore, we were told by the Defense Atomic Support Agency, which is responsible for coordinating defense requirements for weapons effects tests and for conducting such tests that, under this treaty, it could not fulfill its mission or satisfy the needs of our military services. Similar statements were made by Gen. Bernard Schriever, commander of the Air Force Systems Command, and Gen. Thomas S. Power, Commander in Chief of the Strategic Air Command, which repeatedly emphasized the need for operational testing of SAC's weapons systems.

That is the operational testing that has been discussed. Not a single senior military officer claimed that the treaty would improve our military posture.

Reference was made by General Wheeler, and perhaps by others, to the possibility that there might be some benefit from stopping the Soviets from testing in the atmosphere and that this would accrue to our benefit. However, no one claims that the treaty would strengthen or improve our own military posture.

The military disadvantages which will flow from this treaty are clear, concise, and almost indisputable. The political and foreign policy advantages which are claimed for it are, in my view, nebulous, uncertain, and unconvincing.

Let me give the Senate the benefit of the views of Dr. John S. Foster, Jr., the very able director of the Livermore Laboratory of Lawrence Radiation Laboratory, upon the relationship of and necessity for continued atmospheric testing in several important areas, including the development of an ABM system and the determination of possible warhead, reentry vehicle, and missile launch site vulnerabilities. This directly bears on the military disadvantages of the treaty.

I cannot understand how Dr. Foster's testimony can be ignored. It is clear as crystal, positive, and definite. He may have been contradicted by some other

scientists on various points. However, there is nothing clearer in all the testimony, I believe, than his testimony, and this is particularly within his field. In response to a query by the subcommittee, Dr. Foster said:

The operation of an ABM system (United States or U.S.S.R.) is almost certain to involve more than one nuclear burst. The first question to ask in connection with any ABM system is whether it will work after a nuclear explosion occurs in the vicinity.

The Senator from Wyoming mentioned that point.

Such a detonation could be the result of one of our own warheads intercepting an enemy warhead, or the detonation of an enemy warhead. The problem posed by our own detonations is one which must be solved if we field any ABM system. It involves the various blackout and other electromagnetic phenomena affecting the functioning of radar, as well as the hardness of our defensive missiles. A suitable preliminary test would be to attempt to shoot at one incoming target after a nuclear weapon simulating a previous defensive burst has been exploded. All of the questions having to do with such a test have not been resolved to date. It must be borne in mind that their resolution will not come from having a general picture of the physical phenomena involved, but from actually verifying that thousands of components work after being exposed to a nuclear explosion.

That is the test he would require.

Since we have made no such tests, we do not know how closely we could space our defensive burst from either the radar or the missile vulnerability standpoint, and therefore we do not know what kind of an attack any ABM system we may propose could defend against.

The inverse problem of penetrating an enemy system—

That is, the targets—

i.e., of finding out the hardness of our own warheads and reentry vehicles, also requires atmospheric tests. The main destructive effect of a defensive burst probably comes from the combined effects of the neutrons it puts out and the blast pressure it causes. We do not know at present of a reliable way to test vulnerability to these combined effects underground.

We shall be limited to underground testing, and we do not know how to make those tests underground.

While we will try and find one, experience shows that such simulation experiments measure at best only the weaknesses of the system tested which have already been identified, with no assurance that the main weakness has been found.

A third area where atmospheric tests seem to me to be required is that of vulnerability of our bases and, possibly, of our missiles while in powered flights. Here again, the main reason for nuclear tests is not a clear-cut theoretical one, but stems from the fact that these bases, together with their missiles, are probably the most complex systems we have ever built, and that the effects of a nuclear burst on even simpler systems are not known in any detail or accuracy.

Those are not my words; they are the conclusions of Dr. Foster, the man in charge of our radiation laboratory at Livermore, Calif.

There is assurance through exercises that the bases will function if they are not attacked. There is doubt concerning their vulnerability to an actual attack. This lack

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of knowledge cannot help influencing our policy in the future.

Those are serious words, indeed. How are we to get around them? How can we act with any confidence if we stop the very kind of testing which this man says is necessary to demonstrate what will happen, with detail and accuracy, at a time when our bombers have stopped coming off the line. Those in the inventory are being decreased in numbers every day, and we are more and more, with each setting sun, depending on missiles as a defense for ourselves and the Western World. Until we know more about their vulnerability and their reliability under the most adverse conditions, how can we deny ourselves the needed testing?

In assessing the relative military advantages and disadvantages of the treaty and in determining where superiority will ultimately come to rest in the field of nuclear weaponry and delivery systems, it is important that we bear in mind that our information is limited by the closed nature of the Soviet society and by our intelligence capabilities. Even John McCone, the able and respected Director of Central Intelligence, will concede that intelligence is far from being an exact science and that available evidence does not always answer fully the difficult questions which our policymakers must ask. In the absence of so-called hard intelligence, intelligence judgments must be substituted, and such judgments are always correct. They are particularly uncertain when they relate to the future military capabilities and intentions of an unfriendly nation. These carefully worded qualifications emphasize that no matter how thorough are the processes of intelligence collection and evaluation, uncertainties can and do remain.

I do not have to remind the Senate of the failure last fall of the intelligence community to detect the introduction of strategic missiles into Cuba until photographs of nearly operational missile sites were obtained at the eleventh hour. Cuba is only a short 90 miles from our shores and it only recently became a police state. Think how much greater the margin for error is when we are operating against a state which has developed and perfected its security techniques for more than a hundred years.

The reference to our intelligence with regard to Cuba is not a reflection upon anyone. It merely points out the great difficulties and the terrifying uncertainties in which these men operate.

If our intelligence estimates of Soviet military capabilities and intentions are significantly in error, then, this treaty may impose far greater disadvantages and risks than we can now anticipate. In any event, in order to safeguard ourselves against possible intelligence errors and deficiencies, it is essential that we maintain a clear and safe margin of military superiority over the Soviets. We possess such a margin now. I believe that it may be impossible to maintain this margin in future years if this treaty is ratified.

Finally, Mr. President, I offer one last word of warning. We are told by the

treaty advocates that the treaty is an "important first step." The fact that it is viewed as a "first step" troubles me greatly. I gravely fear that the next step may involve even more serious danger to our security.

The preamble of the treaty recites that the parties have "as their principal aim the speediest possible achievement of an agreement on general and complete disarmament" and also that they—the parties—seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time."

I am compelled to raise the question of what our commitments will be if the treaty is ratified. What will the next step be? Will we be presented with a treaty banning tests in all environments accompanied by the argument that the Senate has already endorsed such a treaty in view of the preamble of the present treaty? Will a nonaggression pact follow? Are we, by endorsing this treaty, including its preamble, indicating in advance that we approve the concept of an agreement on complete general disarmament?

I do not suggest that such a treaty will be submitted. I do not suggest that anything has been done along this line that has not been made public. I am saying that possibly this will be the next step, and that we have not given proper consideration to the implications of the first step as it may have a bearing on the second step. Certainly there is more to the picture than merely the treaty itself.

Much as I fear the effect of this so-called first step I have even greater fears of what it may portend in the way of further compacts with the Soviets which may affect the quality or quantity of our Military Establishment even more drastically. It has already been suggested that there be a reciprocal burning of bombers and that we unilaterally cut back on the production of nuclear weapons to a substantial extent. Is this treaty a first step toward activities of this type? I do not say it is; I simply raise the point that very possibly this will be a part of the picture. We are not getting the proper concessions. We are not getting any kind of inspection agreements. We are not committing Russia in the fields in which she needs most to be committed. We have given her the advantage of testing underground. The treaty within itself does not make any real progress.

I doubt that we can appraise intelligently the desirability of this treaty as a first step unless we know what successive steps are contemplated. I must again wonder whether the ratification of this treaty will be interpreted, in view of its preamble, as expressing the sense of the Senate that it approves in principle of an agreement banning all nuclear testing without proper inspections, or that it approves in principle of a general and complete disarmament treaty.

People ask me, "What kind of treaty, then, would you agree to?"

It is not necessary to agree to a treaty with someone in whom we have no confidence. As I see it, in the beginning, the really fair and square treaty, the only kind that would be acceptable,

would be a treaty to stop nuclear testing, with each nation verifying the other's actions by having reasonable and fully enforceable on-the-spot inspection.

The number of inspections that we, in our talks and negotiations, claimed were necessary was 30, then 20, then down to 15, and on down to 12. Then we said that seven would be sufficient and at least one of our civilian high defense officials has indicated that he thought five would be adequate.

Mr. President, as I have stated, I have grave and serious misgivings about the treaty. Upon the information which is available to me, I can only view it as a step toward degrading the security of the United States—not as a first step toward the peaceful world we all desire. I agree wholeheartedly with the conclusion of the report of the Preparedness Subcommittee that serious—perhaps even formidable—military and technical disadvantages to the United States will result if the treaty is ratified.

Those are not just my words. Those words are concurred in by every member of this seven-member subcommittee, except the Senator from Massachusetts [Mr. SALTONSTALL], who thought they were a little too pessimistic.

I repeat that I agree wholeheartedly with the conclusion of the report of the Preparedness Subcommittee that serious—perhaps even formidable—military and technical disadvantages to the United States will result if the treaty is ratified. In my judgment, these are not outweighed or counterbalanced by the somewhat doubtful political advantages which would result. I, for one, cannot find it in my heart in today's world to cast my vote in favor of approval of a treaty which admittedly will make it impossible for us to develop and produce the highest quality of weapons of which our science and technology are capable. Particularly is this true when all of the evidence available to me leads to the conclusion that the Soviets will be inhibited by the treaty primarily in the fields in which they already have superiority.

For all of these reasons, I will cast my vote against approval of the treaty.

Mr. President, I have concluded my speech.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. STENNIS. Since the Senator from Arkansas [Mr. FULBRIGHT] has been waiting, I yield first to him. Then I will yield to the Senator from Louisiana. I had previously asked the Senator from Arkansas to wait.

Mr. FULBRIGHT. The Senator from Georgia [Mr. RUSSELL] and other Senators have raised question about executive agreements in connection with treaties. I have had prepared a memorandum on this subject; and if the Senator from Mississippi will agree, I should like to have it printed in the Record.

Mr. STENNIS. I am very glad to agree. I am sure the Senator from Ar-



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kanas understands my remarks about such executive agreements, and understands that no attack on him was being made.

Mr. FULBRIGHT. I merely wish to submit it for the information of the Senate. This has always been a rather troublesome subject, and still is; I thought the memorandum would be interesting to Senators.

Mr. TALMADGE. Certainly I have no objection.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

## EXECUTIVE AGREEMENTS

During discussion of the nuclear test ban treaty there have been references to the possibility that the President by executive agreement may seek to amend the treaty.

The President has stated unequivocally that all amendments to this treaty will be submitted to the Senate for its advice and consent. Nevertheless it may be helpful to the Senate to refresh its recollection on the subject of executive agreements.

Broadly speaking, the terms "executive agreement" encompasses two types of agreements.

First are executive agreements authorized by act of Congress. In these instances, according to Charles Cheney Hyde, "the President has been deemed \* \* \* to be the mere agent of the legislative department of the Government" (Hyde, vol. 2, p. 1406).

The second type of executive agreements encompass those undertaken by the President on the basis of his own authority. Thus, to take simple cases, the President might agree to exchange Ambassadors with another country, convene a conference, or conduct joint military exercises with another country.

Yet in even these simple cases which do not involve a legislative mandate before the agreements are made, the Congress can negate them. It can refuse to confirm the Ambassador, or fail to appropriate funds for the conference or the joint military enterprise.

Obviously executive agreements of the type I am now discussing can be on more significant subjects and might even approach such significance as to require approval by the treaty process.

In these borderline cases, the President acts at his peril if he resolves doubtful cases against submitting them to the Senate for its advice and consent because of the punitive action which can be taken by the Congress, including impeachment.

Another quotation from Hyde is helpful on this point. He writes:

"The exact provisions of the Constitution concerning the making of treaties did more than prescribe the manner in which they were to be concluded. The declaration that the President 'shall have Power by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur' (art. II, sec. 2, par. 2) sustains the conclusion that it was not to be rendered abortive by recourse to a different procedure for the use of which no provision was made, and that there were to be found tests of improper evasion in the character of what was sought to be achieved despite the absence of a specific textual prohibition. Otherwise, the scheme for the co-operative action of the President and the Senate would have been a relatively valueless injunction, and the solitary constitutional guide for contracting would have been of slight worth."

There is no point in denying that a President has tremendous power. The President can suspend tests, as President Eisenhower did during the moratorium. He

might have suspended tests on the basis of an Executive agreement with Mr. Khrushchev and, short of impeachment or some other type of punitive congressional action, he could have gotten away with such an agreement at least on a short-term basis.

But this is our constitutional system of checks and balances. We can conjure up all kinds of bogeymen, if we set out to do so.

Every Senator knows that the President can create situations which would put this country at war, despite the constitutional provision that Congress has power to declare war. It would do no good for the Senate to pass resolutions prohibiting the President from getting us into situations of war potential, without the consent of the Senate.

Indeed, without this treaty, the President would clearly have had the power to suspend tests underground, without the advice, and consent of the Senate. Now with the treaty he has committed himself not only to all other parties, but to the Senate in particular, to undertake no amendments without our consent.

What more can we ask?

Mr. FULBRIGHT. With regard to this question of consultation, I would not like to have the RECORD indicate that there was no consultation either with the Joint Chiefs of Staff or with Congress, and especially with the Subcommittee on Preparedness, of which the Senator of Mississippi is chairman. Last year, on several occasions, this matter was brought up before the Committee on Foreign Relations and its Disarmament Subcommittee, as well as before the Armed Services Subcommittee on Preparedness. Is it not a fact that in 1962, Mr. Foster came before the subcommittee and discussed this matter at some length?

Mr. STENNIS. Mr. Foster was our first witness at our hearings, which we started in September of 1962.

Mr. FULBRIGHT. And in August, 1962, Ambassador Dean, I believe, who has been our negotiator, discussed this with the subcommittee, did he not?

Mr. STENNIS. I do not recall that he did.

Mr. FULBRIGHT. According to records supplied me he was there on August 2, 1962.

Mr. STENNIS. No. We did not start our hearings until September; and Ambassador Dean was never before our subcommittee.

Mr. FULBRIGHT. Then the information given to me must be wrong.

On September 17, apparently, the Preparedness Subcommittee again met with Mr. Foster, and on September 17, with Mr. Paul Nitze, Assistant Secretary of Defense.

Mr. STENNIS. I stated the list of witnesses who appeared before us in connection with our consideration of the treaty.

Mr. FULBRIGHT. My point is that the subcommittee was consulted at considerable length, on various occasions, about the general program of the test ban treaty. Is that not correct?

Mr. STENNIS. That is correct. We held the hearings; and we called Mr. Foster first. We have a complete record of all the testimony.

Mr. FULBRIGHT. I wish to state, for the RECORD, that prior to the initialing of this particular treaty—and the

same is true as to proposals for other treaties—it was discussed by various administration witnesses with the Committee on Foreign Relations and also with the Senator's subcommittee. This particular treaty was discussed with the Committee on Foreign Relations prior to its being initialed. All its terms were explained and discussed with the full committee. There was a very full attendance; the treaty was then in its final form, for all practical purposes, except for perhaps a word or two which may have been changed during the conference in Moscow.

On page 22 of the report of the Committee on Foreign Relations, Senators will find a section with regard to "Consultation of Joint Chiefs of Staff." The normal procedure, as I understand, is that the Secretary of Defense usually consults with the Chairman of the Joint Chiefs; and it is the duty of the Chairman to take up these matters—not only this matter, but any matters of consequence—with the Joint Chiefs themselves. But I understand that they do not customarily consult with each individual member of the Joint Chiefs. Is that not the usual procedure?

Mr. STENNIS. I believe it depends on the circumstances and on the importance of the matter involved.

Mr. FULBRIGHT. Mr. President—The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. STENNIS. I am glad to yield.

Mr. FULBRIGHT. Let me read a brief part, because I do not wish to have the RECORD leave the impression that the administration is trying to put anything over on the military or on Congress without their being fully aware of it.

Mr. STENNIS. I have not made such a suggestion.

Mr. FULBRIGHT. But I believe it could easily be concluded—from portions of today's debate—that the Joint Chiefs were not consulted.

Mr. STENNIS. Yes, that some of the Chiefs were not fully consulted.

Mr. FULBRIGHT. If I may read—this statement is taken from the Committee on Foreign Relations report, which, in turn was given during the hearings. General Wheeler, Chief of Staff of the Army, offered this comment:

The Chiefs have been \* \* \* dealing with various types of test ban agreements for a couple or 3 years \* \* \*. You will recall that General Taylor \* \* \* testified that starting on about the 15th of June, he asked the Joint Staff, with the knowledge of the other members of the Joint Chiefs of Staff, to start to review a possible limited test ban proposal, although we had no specific wording to deal with.

By that, he meant, the precise wording of this particular treaty. Of course, the precise language of the treaty could not have been discussed then, because at that time it had not yet been drawn up, but they were considering the general test ban picture. Actually, for all practical purposes, this treaty—aside from its provisions regarding underground testing—is quite similar to the one they had already discussed.

I read further:

This arose as a result of talks between a European political leader and Mr. Khrushchev.

The European political leader referred to there was Mr. Paul-Henri Spaak, who met with Khrushchev. That, I believe, was the first intimation that a treaty very similar to those previously offered, but not then acceptable to the Russians, might now be acceptable to them.

I read further:

You will also recall on the 2d of July Mr. Khrushchev made a speech in East Berlin, at which time he laid down in rather general terms the type of treaty that would be acceptable to him. At that time, we stepped up the tempo of our activities. And then, of course, we were aware that the Harriman mission was going to Moscow. General Taylor, himself, participated in meetings of the committee principals on this subject. He did make us—

That means the Joint Chiefs of Staff—aware of the results of these deliberations. And during the course of the meetings with Under Secretary Harriman in Moscow, cables came back and the Chairman briefed us concerning their contents.

I believe the Joint Chiefs of Staff position on past proposals was well known within the Government. And certainly we knew on a day-by-day basis the trend of the discussions in Moscow.

Parenthetically, it should be noted that the Joint Chiefs of Staff sought the views of the commanders in chief of the nine unified commands on the treaty. Seven of these nine supported the treaty, one opposed it—

That was General Power—

and one disqualified himself on grounds of insufficient knowledge.

I submit that that is a normal degree of consultation between the Executive and those in the highest positions in the military field.

Mr. STENNIS. May I ask the Senator who made the statement which he has read?

Mr. FULBRIGHT. General Wheeler.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. During the Committee on Foreign Relations hearing. As the Senator well knows, General Wheeler is a member of the Joint Chiefs of Staff.

Mr. STENNIS. I know.

Mr. FULBRIGHT. The record should be clear that I do not believe there was any neglect of the military. As long ago as 1958-59 General Eisenhower made proposals of a somewhat similar import. First, I refer to the proposal for a ban on nuclear testing in the atmosphere of weapons up to 50 kilotons. They were all aware of the implications of such a ban at that time.

I have made no investigation, but I do not recall that the military objected strenuously to General Eisenhower's proposal. All during this period the main controversy was in relation to an inclusion of underground testing. That subject is left out of the treaty. Therefore, the objections to that kind of testing would not apply to the treaty.

Much has been said about General LeMay having intimated that, if he had been asked prior to the signing of the treaty what he would do, he would have been against it. I should like to read a

very brief statement by General LeMay in response to a question of the Senator from California [Mr. KUCHEL] in executive session. It is contained in the now printed record. It elaborates and clarifies a statement the general had made at the public hearing. He said that the statement ought to be put into the public record, and it is here. On page 394 of the hearings appears a paraphrase of General LeMay's statement that the Senator from California [Mr. KUCHEL] read, which I need not repeat. General LeMay's answer was as follows:

I said I thought I would probably be against it. But I have spent a lot of midnight oil on this particular question, on the treaty, we had in our hands that we could look at, looking at the disadvantages, looking at the advantages, and trying to come up in my own mind with a recommendation that I would give to you people. I have spent a lot of time.

Incidentally, that does not indicate that he was not consulted but rather the opposite because he said he had burned much midnight oil studying the problem.

Continuing to read General LeMay's statement:

I haven't spent as much time on any other subject that has ever come before the Joint Chiefs of Staff, and it has worried me a great deal as to whether I came up with the right answer or not.

Now, with all of that time that I have spent trying to come up with a specific recommendation on a specific treaty—

He is talking about the treaty now before the Senate and not some other treaty—

to be asked some hypothetical question of what I would do, I don't know exactly. I just say I think I would, but I am not sure.

Mr. STENNIS. What was the question to which General LeMay responded?

Mr. FULBRIGHT. The question was as to whether he would have approved the treaty had it not already been signed. That was the hypothetical question he was referring to which he had been asked at the public session.

I have read what General LeMay said in the executive session that same afternoon. It seems to me to be a clarification of his original statement. At the very least it does not warrant the clear-cut statement that General LeMay said he would not be for the treaty had it not already been signed. He said:

I spent more time on it than any other subject before the Joint Chiefs, and after due consideration, I just say I think I would, but I am not sure.

Like a great many other people, he was troubled about the treaty. But he did not make the unqualified statement that he would not be for the treaty if it had not already been signed. His statement clearly indicates that he prayed over it at great length. There is no other subject on which he had spent so much time as he did on this.

With regard to the necessity of testing, I wish to comment that General Power in his testimony, referring to page 10 of his testimony before the Preparedness Subcommittee, said:

We have not tested any of the operational warheads in our inventory. That includes all missiles and the bombs.

Senator STENNIS. Let me interpose there. The test ban would not change our policy on that because we are not doing it anyway. What is your response to that?

General Power. I would urge they do it. I have repeatedly requested that they do it.

The only point I wish to make is that even without any ban the military has not been testing operational warheads. Why? Because someone in the military deems it to be unnecessary, I assume, even though General Powers has requested it.

Mr. STENNIS. I believe that is an erroneous conclusion.

Mr. FULBRIGHT. What does the language mean? The Senator asked the question. What does he think it means?

Mr. STENNIS. The Senator has made the statement that in his opinion someone in the military thought it was not necessary. I do not believe that that statement can be borne out by any testimony. The decision was made elsewhere.

Mr. FULBRIGHT. Will the Senator—

Mr. STENNIS. Let me finish, please. I am directing my remarks to the statement which the Senator from Arkansas made that we have not been testing anyway, and he assumed that those in the military had not asked for it. I believe the military has been asking for testing.

Mr. FULBRIGHT. I specifically said that General Powers said that he had requested it. But he is only one part of a vast organization.

Mr. STENNIS. The military people have been very anxious that the tests be made. Furthermore, the Senator from Mississippi thinks that the public has been led to believe that our missile sites and launching pads are far more secure and invulnerable than has been established by tests. They have been led to believe that our missiles, including their warheads, could penetrate to the target far more successfully than has been proven by tests. That point came out during the hearings. It is fully known now what we will be cut off from if this treaty is ratified.

Mr. FULBRIGHT. I should like to ask the Senator one or two further questions to determine whether I am correct in my understanding.

Mr. STENNIS. Certainly.

Mr. FULBRIGHT. I gather from the Senator's statement that he feels that the Russians have made great advances and that they are probably ahead of us as a nuclear power.

Mr. STENNIS. No; I said very positively that I thought that on the whole we were ahead. I made that statement two or three times. What I said along that line was that when the Russians broke the moratorium, they stored up a great storehouse of information or test results. I likened it to storing wood in the summer and fall for burning in the winter. The Russians already have a storehouse of knowledge and test results that we have not been able to equal in the scant testing that we have done. They can utilize that storehouse of knowledge and test data doubtless to their great advantage, whereas, since we were not testing on a similar scale, we do not have such results. This treaty will cut us off from testing in the at-

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mosphere. Two or 3 years from now, due to the storing up of those testing results, they could emerge with very distinct advances ahead of us.

Mr. FULBRIGHT. May I read to the Senator from the committee report?

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I refer to the report of the Committee on Foreign Relations, on page 16, in the testimony by Dr. Brown, whom the Senator knows is the head of Research and Development at the Pentagon.

In this same context, Dr. Brown was asked to compare the number of atmospheric tests conducted by the United States with the number conducted by the Soviet Union. He replied that "we have had of the order of 200 atmospheric tests and the Soviets have had of the order of 180." He also stated that in the past 2 years, "we have had something over 130 atmospheric and underground [tests] as compared to something like 160 in the 13 years before that."

The Soviet Union has, of course, done very little testing underground.

Mr. STENNIS. I should like to ask the Senator a question. What did Dr. Brown say about whether those were high yield tests which we made, or whether the tests which Russia made were high yield tests?

Mr. FULBRIGHT. If the Senator means, by "high yield," the 30-, 40- or 50-megaton weapons, we all know the Russians have had them and we have not. We did not have them by deliberate choice of our own people. Going back to 1954, the testimony shows that this question came up, as to whether we should proceed to develop a 50- or 100-megaton weapon. Our people thought it would be improvident and unwise to do so because it was not based on the military value, not worth putting the money into it. They felt it would be more worthwhile to develop smaller weapons which would have greater accuracy and reliability, particularly with regard to their delivery systems.

I read another point, found on page 15 of the report, which also quotes testimony by Dr. Brown:

With respect to high-altitude tests carried out for the purpose of determining the effects of nuclear bursts on communications blackout, radar blackout, and nuclear weapons vulnerability, Soviet and United States experience appears to be comparable. Each side has had about the same number of tests, over yield ranges and altitude ranges which are comparable though not identical. Enough has been learned in the United States to verify the existence, nature, and rough dependence of blackout characteristics on yield and altitude, although important details still have not been explored. The same is probably true in the Soviet Union. Probably neither side understands the phenomena sufficiently well to permit theoretical extension with complete confidence to some other altitudes, yields, and types of devices; but we have, and presumably the Soviets also have, enough information to enable us to take steps to design around our uncertainties.

I do not wish to belabor that point. The point I was leading up to, by use of the quotations, is that if we accept the testimony of Dr. Brown for the moment, there is a rough comparability in this field. Granted, the Russians have tested a larger weapon. The point is that if the treaty is abided by and if, in effect, it de-

celerates the activity in testing—certainly it will decelerate it except for underground testing—I do not see how it could be such a great disadvantage to us if, as the Senator from Mississippi says, we are not behind and possibly are ahead as to the number of weapons, as well as in the quality of the smaller weapons. I do not quite see how there would be a disadvantage.

I understand that it is an absolute disadvantage that we cannot go forward to make bigger weapons, but if the treaty restricts the Russians as it does us in the same environment, I do not see how this would be a disadvantage. It seems to me that the restraint on the Russians would be comparable to the restraint upon us.

Mr. STENNIS. The error which is involved, in the belief of the Senator from Mississippi, which is based upon the testimony, is the clear fact that we are far behind in atmospheric testings because of the unusually productive activity of the Russians at the time of their breach of the moratorium. I refer to high-yield tests particularly.

I am no scientist, but as a kind of rough test, a 1-megaton explosion, or smaller, can be conducted underground.

Mr. FULBRIGHT. That would be a very big explosion, would it not?

Mr. STENNIS. Yes. However, as I say, tests up to that yield could be carried on underground. Any test greater than that would have to be conducted in the atmosphere.

The report sums it up in this way:

The total number of Soviet tests above 1 megaton—

Which means those in the atmosphere—

was approximately four times that conducted by the United States in the same period (1961-62). In terms of yield-to-weight ratios, the Soviet Union, as a result of its aggressive test program and its concentration on very large yield weapons, has demonstrated clearly superior performance in all yield classes above approximately 15 megatons where the United States has had no testing experience since 1954. It is also worth noting that the scientific witnesses were unanimous in expressing uncertainty about the particular designs employed by the Soviets, to achieve the results observed in their very high-yield experiments.

There is more involved in the high-yield test, the big bomb, than the size of the bomb. That is the basis for this "stored up knowledge," as I call it.

Mr. FULBRIGHT. If I may complete my thought, the Joint Chiefs of Staff testified that they "have not regarded as important the attainment of weapons in the 100-megaton range. They feel that the types and numbers of megaton-yield weapons available to us now or in the future could give us an adequate capability in the high-yield weapon range."

And the Chairman of the Joint Chiefs of Staff, in response to a direct question on this point, replied:

I attach very little importance to this, frankly, Senator. The whole very high yield weapons field is one which has very little, if any, military significance.

(At this point, Mr. McIntyre took the chair as Presiding Officer.)

Mr. STENNIS. Mr. President, the same question of atmospheric testing is

involved in the anti-missile-missile endeavor, or in the development of an ABM system. Underground testing is limited to about 1 megaton and, to obtain complete data testing in the atmosphere at a higher yield will be required although not as much as 100 megatons.

It may be classified as to what Titan and the others involve, but they are far above 1 megaton.

Mr. FULBRIGHT. Yes. Those are more than 1 megaton.

I do not wish to delay this debate but there is a point that puzzles me. The Russians have much less in the way of resources than has the United States, and less than one-half our gross national product; and I presume the same is true with respect to income. The Russians must eat, at a minimum. Granted, they do not eat as well as we do, or dress as well as we do, or do a few other things as well as we do, but there are certain essentials which they must have. What puzzles me is, How can they have made such remarkable progress? Does the Senator think the Russian scientists are infinitely more capable, astute, and learned than our scientists?

Mr. STENNIS. I certainly do not, but we must remember that there is a very practical reason why the Russians have made such progress. It is because they have had very extensive atmospheric testing since 1961 and we have not had it on the same scale. We lived up to the moratorium, and they did not.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. The United States tested 2 weeks after the Russians broke the moratorium. We tested underground.

Mr. STENNIS. Our tests were very inadequate.

Mr. FULBRIGHT. Why was that?

Mr. STENNIS. Because we were not ready.

Mr. FULBRIGHT. Was it because our people were incompetent?

Mr. STENNIS. I did not say that. The Senator brought that point up.

Mr. FULBRIGHT. I am asking the Senator for his opinion.

Mr. STENNIS. I have tried to answer. It is because we were not ready.

Mr. FULBRIGHT. Why were we not ready?

Mr. STENNIS. We had been standing by, as I stated in my speech, according to the uncontradicted testimony, doing nothing. We were living up to the moratorium. We were waiting. We had faith. We had confidence. And we were caught.

Mr. FULBRIGHT. During the testimony we asked Dr. Kistiakowsky the question about maintenance of the laboratories during the moratorium. He testified that they were maintained. In fact, the number of personnel increased.

Mr. STENNIS. He was sharply contradicted by the other witness in that field.

May I yield to the Senator from Washington?

Mr. FULBRIGHT. The Senator may yield to any Senator he likes.



Mr. JACKSON. It is conceded by persons in the executive branch of Government that we were a victim of the planned abrogation by the Soviets during the period of the test moratorium. The best evidence we had, as I recall the testimony, is that for a period of at least 18 months prior to the Soviets' first detonation in September 1961, they had been preparing for the tests. We were not preparing for testing at a given time and place.

Mr. FULBRIGHT. May I ask, why were we not?

Mr. JACKSON. Some of us tried to get something done in this field, but no effort was made. I emphasize this because it explains why the Joint Chiefs make the point that there must be standby capability to resume tests, to avoid the very bad experience we had with Soviet-planned abrogation. This is one of the safeguards now insisted upon. Unfortunately, that kind of precautionary move had not been made under the moratorium. I think the testimony is quite clear on that point.

Mr. STENNIS. Very clear.

Mr. FULBRIGHT. Let me refer to the testimony before our committee. Dr. Glenn T. Seaborg, who, Chairman of the Atomic Energy Commission, is a reputable scientist.

Mr. JACKSON. He is a Nobel Prize winner. He is very reputable.

Mr. FULBRIGHT. In response to a question—and I am referring to page 19 of the Committee on Foreign Relations report—Dr. Seaborg observed that "We didn't lose very many" scientists from the Commission's laboratories during the 3-year moratorium on testing. He added that the problem would be eased under the test ban treaty because of the continuance of underground testing.

Dr. York, a former Director of the Lawrence Radiation Laboratory, stated that laboratory personnel grew by 50 percent during a period that roughly coincided with the moratorium. He added that:

Most of the new people added during the moratorium period went into research areas other than weapons development and testing \* \* \* but these new people worked largely on programs which were scientifically related to the weapons program, and they were at the place where the knowledge was, where the equipment was, where the computer programs were, and they could be and, in fact, were rapidly converted to weapons scientists and engineers when that became necessary.

Dr. Bradbury, Director of the Los Alamos Scientific Laboratory, commented on the ability to resume atmosphere testing promptly. His testimony is similar to what I have already read. I shall not take the time to read it, but it appears on page 19 of the report.

Mr. STENNIS. May the Senator from Washington respond? He has something to say on that point.

Mr. FULBRIGHT. Yes.

Mr. JACKSON. I do not think the increase in the number of scientists in the laboratories can be related to a state of readiness. One of the mistakes made was that our test facilities in the Pacific were not ready. We took on-the-shelf items and proof tested those weapons.

The ones we wanted to test were not ready for testing. The Soviets had the obvious advantage of planning precisely when to resume.

So the fact that we added scientists to our laboratories during that period does not relate to the fact that we were caught off guard when the Soviets broke the moratorium, and we were not prepared to resume testing. This is why the Joint Chiefs of Staff do not want it to happen again. That is a vital part of the safeguards requested.

Mr. STENNIS. Mr. President, I wish to yield now to the Senator from South Carolina [Mr. THURMOND], who has an urgent engagement to keep.

Mr. THURMOND. Mr. President, I take this opportunity to congratulate the distinguished Senator from Mississippi for the magnificent address he has delivered here today. I hope every Senator will take occasion to read the address. I have had the pleasure of serving on the Preparedness Investigating Subcommittee with the able Senator from Mississippi, and I know of the careful manner in which the hearings were held. I concur heartily in the statements made in his address today. They are accurate and factual, and are based on the testimony.

In his address the Senator referred to the preamble to the treaty, the first few lines of which read:

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament.

I believe Secretary Rusk, on March 11, 1963, and later President Kennedy, referred to this treaty as a first step, meaning a first step toward general and complete disarmament, as I understand it.

I invite attention to what Mr. Khrushchev had to say on January 16 of this year in East Germany on the subject of disarmament. These are his words:

Disarmament primarily means dismantling the gigantic war machines of the highly developed countries. \* \* \* General disarmament does not mean disarming the peoples fighting for national liberation. On the contrary, it would deprive the imperialists of the means to halt progress and crush the struggle for independence.

So it is clear that the Communists do not mean to disarm; they are attempting to deceive us into disarming.

I congratulate the Senator from Mississippi for referring to the preamble of the treaty, which I think is an index showing where we are going if the first step is taken.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. I invite attention also to article 36 of the Statute of the International Court of Justice. Article 36, which is in two paragraphs, reads as follows:

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

Paragraph 2 reads:

The states parties to the present statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction

of the Court in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law.

I emphasize the words "interpretation of a treaty."

There is some question as to what the treaty may possibly mean. Questions have been raised about interpreting the treaty. For example, a question has been raised about nuclear explosions, and whether we could carry on tests for peaceful uses. The treaty is clear on that point. It would seem to prohibit it. Yet the construction that is being placed upon the treaty by important people, people in high places in our Government, indicates that we would not be barred from nuclear explosions for peaceful uses. But if the treaty should go to the International Court of Justice for interpretation, how would that court construe it? It seems to me we should have great fears as to what the International Court of Justice might say about the treaty if it should go there for interpretation.

The International Court of Justice has jurisdiction in the interpretation of a treaty. I commend the able and distinguished Senator from Mississippi for the address he has delivered.

Mr. STENNIS. I thank the Senator. I thank him for his contribution to the debate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I had promised to yield first to the Senator from Vermont. I am delighted to yield to him now.

Mr. AIKEN. I commend the Senator from Mississippi for having the courage of his conviction.

Mr. STENNIS. I thank the Senator.

Mr. AIKEN. And for expressing them on the floor. I cannot say that I agree with his conclusions, however. Since it is assumed that the United States would be the gainer through the resumption of atmospheric testing, I wish to ask the Senator from Mississippi whether the Preparedness Subcommittee had Dr. Foster, the Director of the Livermore Laboratory, before it.

Mr. STENNIS. Yes; he was one of the witnesses who appeared before the subcommittee.

Mr. AIKEN. He was opposed to the treaty.

Mr. STENNIS. Yes; that is the substance of his position.

Mr. AIKEN. Very much opposed.

Mr. STENNIS. Yes.

Mr. AIKEN. Did not Dr. Foster advise the committee that if atmospheric testing were resumed, Russia would make gains faster than the United States?

Mr. STENNIS. I do not remember his expressly covering that point. Generally speaking, they might make gains immediately, but I do not believe that that situation would last.

Mr. AIKEN. That is a matter which bothered me somewhat. When Dr. Foster appeared before the Foreign Relations Committee I asked him three or four questions. Would the Senator from Mississippi object if I took about 1 minute to read a statement of Dr. Foster into the Record? I believe it is pertinent to this point.

Mr. STENNIS. Of course not. I am delighted to have the Senator do so.

Mr. AIKEN. This testimony is found at page 619 of the hearings, beginning at the middle of the page:

Senator AIKEN. I do not know of anyone who advocates nuclear war. However, if the United States were to engage in nuclear warfare, would it be more advantageous for us to engage in it immediately or would we be in a comparatively stronger position after 5 years of testing and the development of more potent weapons, both offense and defense?

Dr. FOSTER. Well, Senator AIKEN, that is a, both a tactical military question and a question of relative rates of development of the Soviet Union and the United States, as I understand it; is that correct?

Senator AIKEN. When do you think we would be in a stronger position to engage in nuclear warfare?

Dr. FOSTER. Today or in the future?

Senator AIKEN. To engage in it immediately or after the conduct of tests for another 5 or 10 years, assuming that any enemy would also be conducting tests. Do you think we could outrace them?

Dr. FOSTER. That, sir, is, I think, an issue that transcends the treaty. For 18 years the United States, aware and concerned for the potential and growth, actual growth, of armaments, particularly nuclear armaments, has developed in a restrained manner.

We have every year tried our best to reach an agreement with the Soviets and to limit this constant increase in the development of arms.

During that period of 18 years the Soviets have come from a position of relative hopelessness to one that was described by Dr. Bradbury as rough parity, and I do not want to argue whether they are ahead or behind.

The interesting, discouraging to me, the discouraging point, is that currently from their recent atmospheric series and from our recent atmospheric series, I see a very high rate of progress in the Soviet Union compared to the United States. If this were to continue, and I will mark this, Mr. Chairman, as one of the advantages of the treaty, it would be to the detriment of the United States.

We have chosen to limit our efforts; these have been unilateral.

Senator AIKEN. And they have been making progress in the nuclear field much faster than we have?

Dr. FOSTER. Yes, sir.

Senator AIKEN. And there is no reason to believe that that rate would not continue?

Dr. FOSTER. That is right.

Senator AIKEN. Then if we were to engage in nuclear war at all, there would not be much time to lose.

Dr. FOSTER. That is correct.

Senator AIKEN. That is all.

He pointed out that as a result of the last series of tests the Soviets had made much greater progress than we had, and that if atmospheric testing were renewed, it was his opinion that the Soviets would continue to make more progress than we would, and he admitted that he was very much discouraged by the outlook. I can understand why he should be.

Dr. Libby expressed regret that we had not tested a 100-megaton bomb. I asked him and other witnesses where we would test a 100-megaton bomb, which would require a completely cleared space of not less than 500 miles in diameter, as I understand. Does the Senator from Mississippi know where the United States could test a bomb of that size? We know the Russians have the space, and they are in a better position to test high-megaton bombs than we are.

Mr. STENNIS. I could not answer the Senator's question specifically, as to whether we have a place now in view. The Senator from Mississippi has emphasized three things about atmospheric testing. The very high yield bomb may not be of extreme importance but testing in the atmosphere is necessary, I believe, for ABM development and for determining the vulnerability of our launch sites, warheads and re-entry vehicles. Those are the three things that I emphasized in my speech.

With respect to the big, big bomb, without atmospheric tests we are cut off from that, and we ought to have some experiments. I do not know whether we ought to build it.

I should like to say one word in response to the Senator's question. That part of Dr. Foster's testimony which the Senator has read is almost fatalism; it says we have already lost, because the Russians are far ahead of us. I believe a reading of all his testimony, including the portion the Senator has read, would show that he felt they would remain ahead of us unless we stepped up our own program of testing.

Mr. AIKEN. I believe Dr. Foster testified before the Foreign Relations Committee before he testified before the Senator's committee.

Mr. STENNIS. The reverse is true.

Mr. AIKEN. He is pessimistic as to the outlook, whether atmospheric testing is renewed or not.

Mr. STENNIS. If that interpretation is correct, he would want to get the treaty into effect instantly, to keep the Soviets from continuing to gain on us. I think the testimony is the other way.

Dr. Foster's fear is that we might let them continue to get ahead of us in atmospheric testing.

Mr. AIKEN. And that they would gain on us whether the testing were renewed or not. He is extremely pessimistic, if I interpret his testimony correctly.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. The point has been made that a great many of our missiles, including some of our so-called most modern weapons, have not been tested, and the point has been made that we are not going to test such weapons whether we enter into the test ban treaty or not. I should like to ask the Senator if it is his impression that we cannot rely upon any of our newly developed weapons until they have been actually tested, to make sure that they will work.

I have in mind the history of naval warfare during the Second World War. Our torpedoes would not sink any ships. They were no good. No torpedo that we fired would sink a Japanese ship. That was true of our magnetic fuzed torpedoes and our contact fuzed torpedoes. We had not tried them out on actual targets. The Japanese had tried out theirs, and they sank our whole Pacific Fleet, or every ship in the Pacific Fleet that they could find. Three of our biggest aircraft carriers were fortunate enough not to make their schedule, having been delayed by the storm, and

therefore escaped the attack on Pearl Harbor. The storm had delayed them. Therefore, it was only an act of God that prevented their being sunk also.

The Japanese had weapons which they had tested. We had torpedoes that had not been tested. We had torpedoes that were no good, and would not sink anything.

If we have learned anything from that lesson, from the loss of our Pacific Fleet in World War II, should we not have learned that if we have an untested weapon, we do not know whether it will work?

Mr. STENNIS. It is not a weapon until it is tested, until we know what it will do under actual or simulated combat conditions.

Mr. LONG of Louisiana. The trouble with the contact fuzed torpedoes was quite simple. A little pin that was supposed to make contact was brittle, and would crack on contact. When the pin in the tip of the torpedo hit a ship, it would crack, rather than relay the shock to the firing mechanism.

The trouble with our magnetic fuse was that the torpedo would go deeper by about 10 feet than it had been planned to go, so it would not go off. A submarine would be sent hundreds of miles to sea to find out why the torpedo would not go off. The skipper would come back and say it was not necessary to have sent the submarine to sea to determine why the torpedoes would not go off. The answer could have been found in front of the submarine station.

Having that experience in mind, would it not be desirable for this Nation to continue to test its weapons, to make our survival certain?

Mr. STENNIS. Certainly. That is a point that has not yet been answered.

Mr. JACKSON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. JACKSON. Before the debate is concluded today, I again wish, as I said earlier, to express my appreciation to the distinguished Senator from Mississippi for the important contribution he has made to the debate. It has been a troublesome, perplexing problem for all of us. The Senator's thoroughness and wonderful understanding of the problem of the weapons in this particular field and area have been of inestimable help to those of us who have been associated with him for more than a year in the special hearing that has been conducted on arms control and test ban matters.

Mr. STENNIS. I thank the Senator from Washington for his compliment. I appreciate his outstanding contributions in many ways during the conduct of the hearings, as well as in respect to the other matters that are involved.

Mr. SIMPSON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SIMPSON. I associate myself with the remarks of the Senator from Washington with respect to the contribution which the Senator from Mississippi has made to the debate on the defense of our country.

Did not Dr. Foster warn the Preparedness Investigating Subcommittee that it

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would be taking an incalculable risk with the security of this country if a treaty were approved prohibiting further testing in the atmosphere?

Mr. STENNIS. The Senator is correct. That was some of the strongest and most intelligent testimony we had, and from a highly informed man. I thank the Senator from Wyoming for his contribution to the debate.

I do not intend to retain the floor any longer than necessary. However, I wish to refer briefly to the questions with reference to what General LeMay said concerning his first impression of the treaty. I refer to page 373 of the hearings before the Committee on Foreign Relations on the nuclear test ban treaty. At the bottom of page 373, the Senator from South Carolina [Mr. THURMOND] made this inquiry of General LeMay:

I believe your answer in the subcommittee, and I quote, was this: "I think that if we were in a proposal stage that I would not recommend—that I would recommend against it."

That is correct, is it not?

General LEMAY. I think I would. That is correct.

Not only did General LeMay testify before the Preparedness Investigating Subcommittee that, as an original proposition, he would not approve the treaty; but when he testified before the Committee on Foreign Relations, the Senator from South Carolina recalled that previous testimony to General LeMay's attention.

He then reiterated what he had said by saying:

That is correct.

Nothing could be clearer than the proof of that fact, and nothing could be clearer, either, to prove his doubt and concern about this entire matter. As a military matter, he would not approve it; nor as an original matter would he approve it. He reiterated that point in the Committee on Foreign Relations, as he did elsewhere.

We have been over that point many times, and other testimony before the Committee on Foreign Relations has been read by the Senator from Arkansas [Mr. FULBRIGHT].

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. To what date is the Senator referring?

Mr. STENNIS. The testimony I just related appears on page 373 of the hearings. I cannot readily give the date.

Mr. MANSFIELD. It was on the same day. However, I point out that later in the same day, in the afternoon—this is repetition, but it bears on the question—the same question was asked by the Senator from California [Mr. KUCHEL]:

As I left the Senate a few minutes ago to come down here, on the ticker, General LeMay, there was a paragraph, which said that had this treaty been in the negotiation stage and you were asked your own opinion, you would have objected to it. You would have felt that it should not be entered into. Was that a correct quotation?

That was a reference to the testimony which the Senator from Mississippi just quoted.

General LEMAY. I think I said that. Maybe I didn't qualify my statement now. I said I thought I would probably be against it. But I have spent a lot of midnight oil on this particular question, on the treaty, we had in our hands that we could look at, looking at the disadvantages, looking at the advantages, and trying to come up in my own mind with a recommendation that I would give to you people. I have spent a lot of time.

I haven't spent as much time on any other subject that has ever come before the Joint Chiefs of Staff, and it has worried me a great deal as to whether I came up with the right answer or not.

Now with all of that time that I have spent trying to come up with a specific recommendation on a specific treaty, then to be asked some hypothetical question of what I would do, I don't know exactly. I just say I think I would, but I am not sure.

Senator KUCHEL. I wish maybe on the open record that type of answer might be put in because that is the sort of thing many people—

General LEMAY. I have no objection to that answer going in the open record. We all like to have a second time, Senator. I wish I had said it then.

It was on that basis that the testimony was declassified. But the emphasis has been on the statement made earlier that day, not on the statement made in the afternoon.

I thank the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Montana. It is rather strange that the testimony that the Senator from Montana read was cleared, but General LeMay's first answer, which was brief and to the point, was kept classified and marked specifically as being a security matter.

Mr. MANSFIELD. No. The first statement was made in open session that morning before three committees—Foreign Relations, Armed Services, and the senatorial half of the Joint Atomic Energy Committee—and the answer I have just read came that afternoon in executive session before the same committees. I was sitting next to the Senator from California when it was made. The first answer was given in open session that day before the three committees combined. What I have just read was testimony given in executive session. Therefore, it had to be given clearance, unlike the previous testimony.

Again, I thank the Senator from Mississippi.

Mr. STENNIS. The original statement made by General LeMay was not permitted to be cleared in our transcript. It was marked "classified" and was not allowed to be cleared. But we later learned that the statement had appeared in the press, so on my own responsibility I cleared the statement.

Mr. MANSFIELD. The Senator from Mississippi acted correctly; but he will understand that the statement was made in an open hearing of the three committees, whereas the other testimony was before the Senator's subcommittee, in executive session.

Mr. STENNIS. In one instance he said he would not approve the treaty; later he changed his testimony in part. I do not understand why one statement would be classified, and the other not.

Mr. MANSFIELD. I agree.

Mr. STENNIS. I am glad the Senator agrees. I thank him for his contribution to the debate.

On page 122 of the hearings before the Committee on Foreign Relations—and I shall cite from that page in a few minutes—a question was raised about why we had not been testing and conducting experiments. The question was raised by the Senator from Arkansas [Mr. FULBRIGHT] in connection with some questions he asked the Senator from Mississippi as to whether I thought we were inferior to the Russians.

At that time the Senator from Mississippi replied that our military had not been permitted to make such tests and were not prepared to make such tests when the Russians broke the moratorium. I refer now to the statement made by Secretary McNamara on page 122 of the hearings:

I think we were reasonably prepared for the tests we conducted, but we weren't well prepared for the tests we didn't conduct. Those were the tests that were important. I think it is quite clear that during the period 1958 to 1961 this country had relaxed its preparations for atmospheric tests and suffered therefrom, and I think it is equally clear that we should not again fall into that trap.

That is the testimony of the Secretary of Defense. It clearly covers the point the Senator from Mississippi spoke about; that is, that we did not test because we were not ready to test. Not only did we lose time as a result of the moratorium; we lost time afterward in making the major tests that the Secretary of Defense said were most important of all, because we had been lax and were not ready. As a consequence, we suffered.

Earlier today I made the point that this very delay, for the 2 years or 3 years that the Russians may abide by this treaty if it is approved, would be a repetition. Of course, I believe we would do better in preparation this time. The fact that we are behind on tests of this kind is not due to our inability; it is due to the fact that we did not maintain a state of readiness.

The Senator from Arkansas asked why we did not do it. There is a very good reason why we did not. Under both the Eisenhower administration and the Kennedy administration, the Defense Department not only had, by direct order, a prohibition of testing, but also had a direct order prohibiting anything that even would give the appearance of preparation for testing. So, under Executive order, during two administrations, there was a complete blackout; those under the Department were not even permitted to appear to prepare for a resumption of tests in case the Soviets broke the moratorium.

As a consequence, we were caught short. The Soviets built up their arsenal, by means of their tests and the information they thus obtained, which they can utilize if and when the treaty goes into effect.

Furthermore, from my contacts with Secretary McNamara, I know he is deeply concerned lest we repeat that error, by not being ready to test. I believe all the hearings we have held have brought out



that point, made it clear, and developed it in a proper way. This point explains why we lost all that time—not through inability, but because we refused to prepare.

Someone asked why the Preparedness Subcommittee did not call the Secretary of Defense to testify about the treaty. We did not call him—although I told him we would like to have him as a witness—because he wrote us a letter, which is in our records, in which he said he did not think he could make any useful contribution to our hearing.

Some have asked why we did not call General Shoup, the Commandant of the Marine Corps. Of course, he too, is a member of the Joint Chiefs of Staff. We did not call him as a witness because, in response to a telephone conversation I had with him, he sent to us a letter in which he said he did not consider this matter to be within the province of the Marine Corps or in the field of matters properly to be considered by him as a member of the Joint Chiefs of Staff. So he took himself out of the picture. I was willing to have him called as a witness. Later, of course, he was called before the other committee, and he testified there. Of course that was all right. I mention the matter now because I have not previously commented on the reason why we refrained from calling him.

Although I did not know how Admiral Burke would testify, I called him, and asked him whether he would come before our committee and testify. I did not have the privilege of being there the day when he testified; but I would not hesitate to call Admiral Burke at any time to testify on any subject with which he is familiar, because I believe his testimony is always of value; and I have never known a fairer, a franker, or a more courageous officer, or one with a more comprehensive understanding of military questions or more commonsense.

General Twining was called under the same circumstances and for the same reason.

I tried to call General White, former Chief of Staff. I know he is not "under the gun" now; he is not now charged with such responsibilities. Today he is a free agent. But he said he could not appear before us then, because he was going abroad. However, he pointed out that he had written a short article—for Newsweek magazine, I believe—in which he had stated that after weighing the matter and after full consideration, he had decided to go along with the treaty.

I am glad to announce that. It shows that I did not know how he would testify. I still wish, however, that he had appeared before our committee and had given us the benefit of his fine consideration of these matters.

We have been asked whether General LeMay was consulted. He testified that he was not consulted about the treaty; he said the discussion did not include him.

Later, a statement, filed by General Taylor, listed conferences on certain dates. We asked General LeMay to comment on that; and I read now from his letter of the 11th of September 1963 addressed to me:

In my testimony before your committee, my comments were restricted to consultation and discussion which I as a member of the Joint Chiefs of Staff personally participated in with the Secretary of Defense on the specific treaty before the Senate. The insert for RECORD supplied by General Taylor broadens the scope considerably to include earlier draft treaty proposals, disarmament, and related matters discussed over an extended period of time. Thus, my testimony on the specific treaty proposal and General Taylor's insert for RECORD on the broad subject of treaty proposals, disarmament, and related matters are not directly comparable.

I have reviewed my testimony before your subcommittee on August 16, 1963, and find it consistent with the facts as I know them.

In other words, he reiterates his statement on that point. There is no question about it. Of course neither of these gentlemen was falsifying in his testimony—even though there appeared to be a slight conflict.

Mr. President, I ask unanimous consent that the letter from Secretary McNamara which was sent to the subcommittee be printed in the RECORD. It is dated August 26; and in it he said he did not think he could make any useful contribution as a witness.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,  
Washington, August 26, 1963.

HON. JOHN STENNIS,  
Chairman, Preparedness Investigating Subcommittee, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of August 20, 1963, concerning the possibility of my appearance before the Senate Preparedness Investigating Subcommittee with respect to the nuclear test ban.

While I am, of course, at the disposal of the subcommittee, I believe that my appearance would serve no useful purpose since my testimony would be substantially a repetition of that which I gave to the joint session of the Foreign Relations, Armed Services, and Atomic Energy Committees on August 13 when most of the members of your subcommittee were in attendance. If you feel it would be desirable, I would be perfectly willing for you to include in the record of your hearings the statement which I presented at the joint session.

Sincerely,

ROBERT S. MCNAMARA.

MR. HUMPHREY. Mr. President, will the Senator from Mississippi yield?

MR. STENNIS. I am glad to yield.

MR. HUMPHREY. I should like to clarify one point. I gather that the Senator from Mississippi is not stating that the Joint Chiefs of Staff failed to participate in the drawing up of the treaty or were denied consultation in reference to the drafting of the treaty?

MR. STENNIS. Let me say to the Senator from Minnesota that during the debate we have gone over that point considerably—unfortunately, at times when he had to be out of the chamber. I do not know, of course, how much participation there was. General LeMay says he was not consulted at all. As for how much the others were consulted, of course we are controlled by their testimony. I will say that I do not believe there was full consultation as to this particular treaty. It might have been considered along with other consultations.

None of them was taken to Moscow for the conference, of course; no steps of that sort were taken. I feel—on the basis of my consideration of the testimony—that they were left out too much—but not entirely.

MR. HUMPHREY. I have been very concerned about that point; and a week ago today I had printed in the RECORD some testimony relating to this matter—colloquy between myself and General Taylor. It appears on pages 296, 297, and 298 of the hearings. I raised the question pointblank, following inquiry by the Senator from California [MR. KUCHEL]. I asked General Taylor this question:

So that the record may be clear on this point, General, it was testified to here that there were no representatives of the Joint Chiefs in Moscow with Mr. Harriman, but there was a representative of the Defense Department. My question is, Were the instructions that Mr. Harriman received from the President of the United States and the Secretary of State based upon consultations and discussions that had been held with the Joint Chiefs as well as with other members of the administration?

General Taylor then responded:

We discussed it in detail in the Joint Chiefs of Staff, and I carried to the discussion table at the White House the views of the Joint Chiefs on that particular point.

Later the following occurred:

CHIEFS AWARE OF DETAILS OF TREATY BEFORE INITIALING

Senator HUMPHREY. Before the treaty was initiated were you aware of its details?

General TAYLOR. Yes, sir; by the cables.

Senator HUMPHREY. By cable?

General TAYLOR. Yes.

Senator HUMPHREY. Did you find the treaty as initialed on balance in the interests of the United States?

General TAYLOR. Yes, sir.

Senator HUMPHREY. Serving the interests of the United States?

General TAYLOR. Yes, sir; in the terms of the statement which I read at the outset.

I point out that while intimate details may not have been discussed with each member of the Joint Chiefs of Staff every day, the Chairman of the Joint Chiefs was satisfied that he was kept constantly informed. In the colloquy, which is in the RECORD, he so stated. It need not be again printed at this point. The Joint Chiefs were informed. Decisions were made. Consultation was had. The President was fully informed of the views of the Chiefs. Furthermore, the Chiefs approved the treaty as it was initialed and presented to the Congress.

MR. STENNIS. I know. I had many conversations with various members of the Joint Chiefs of Staff with respect to when they would testify, and so forth. They spent a long time preparing the joint statements. I will not go into any conversations. General LeMay's testimony is rather clear about his participation.

General LeMay's testimony has been emphasized by the Senator from Mississippi because of the general's long association with and great part in the creation of SAC. For a long time he was the head of SAC. He is now Chief of Staff of the Air Force. I also mentioned General Power. General Power is now

Chief of SAC. His testimony is clear cut and positive. General Power has charge of all the missiles. He has command of the major portion of the strategic striking power that we have, including the bombers. He makes the war plan so far as those weapons are concerned. I cannot go into that subject, of course, but he is the direct fountainhead. He is the man upon whom we depend. That is why his testimony is so much more valuable than even the testimony of someone else of considerable rank, and who has stars on his shoulders.

Our committee was asked why we did not call the Chiefs of the other unified and specified commands. There is no one more important than the man who is the head of the strike command, but he is not directly concerned with strategic nuclear forces. Certainly unless the commander of the unified forces in the Pacific has some direct connection with the problem, he is not specially qualified in that field. We called General Power because he is the man most qualified to know what the problem is and what the limitations on our weapons are. He is the man most likely to know what he would be talking about in connection with this grave subject.

It seems to me that it is begging the question to say now that seven of the nine approved the treaty. Some of them have no specific responsibility in connection with the treaty.

I have said nothing about the dangers of radioactivity. In that connection I ask unanimous consent that a brief statement by Dr. Norris Bradbury, Director of Los Alamos Scientific Laboratory, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Dr. Norris Bradbury, Director of Los Alamos Scientific Laboratory, who has been quoted as a scientific advocate of this treaty, stated before the Preparedness Investigating Subcommittee that fallout from atmospheric testing was not a factor in his decision to support the treaty. He said:

"I do not believe, I have not believed, that anything we have done in the way of atmospheric testing, the fallout which inevitably over the world that results, has had the slightest consequence on human life or on successive human lives. In fact, I regret that fallout from atmospheric testing has been so played up rather recently in public statements. I think this is an exaggerated situation far beyond the actual needs of the situation. . . . I infer that some of the words which the President has used may arise to haunt us if we return to atmospheric testing, not because they are true, but because they have been said."

This view of the so-called dangers of radioactivity is consistent with testimony we also received from Dr. John Foster, Dr. Edward Teller, and the Joint Chiefs of Staff.

Mr. STENNIS. I thank the President and the Senate for their indulgence. I yield the floor.

Mr. HUMPHREY subsequently said: Mr. President, I should like to have included in the RECORD, since it was referred to, the item of September 9, 1963, from Newsweek magazine entitled "The Test Ban Treaty: Atomic Chess," written by Gen. Thomas D. White.

I do this because the distinguished Senator from Mississippi [Mr. STENNIS] referred to the article.

General White stated:

These are some of the risks. Yet I am persuaded, on balance, that the test ban treaty is worth the gamble—and gamble it is. It is a small beginning which could lead to vitally important agreements with the Communist world.

I ask unanimous consent that the entire article may be printed in the RECORD following the remarks by the Senator from Mississippi [Mr. STENNIS] because it will be more relevant to the discussion at that point.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Minnesota? The Chair hears none, and it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TEST BAN TREATY: ATOMIC CHESS  
(By Gen. Thomas D. White, U.S. Air Force, retired)

The positioning of military forces—often improperly from a strategic or tactical point of view—to serve purely political ends has occurred many times in history. In the atomic age it is a particularly dangerous gambit but it has its cold-war values. The United States did it nearly a year ago in the Cuban crisis—and it may have paid off despite some bitter grumblings by military commanders.

A classic example of military maldesployment to serve a vital political purpose is cited by Barbara W. Tuchman in "The Guns of August." On July 30, 1914, when World War I was about to break, the French Government ordered its armies to withdraw 10 kilometers along the entire frontier with Germany from Switzerland to Luxembourg. It was essential to France that Britain enter the war, and it was vital insurance to this end that the onus of first attack be squarely on German shoulders. "The act of withdrawal, done at the very portals of invasion, was a calculated military risk deliberately taken for its political effect," wrote Mrs. Tuchman.

Less than a year ago we moved large elements of the Atlantic Fleet, the tactical air force, and some of our continental air defenses out of their optimum general war positions in order to meet contingencies in the Caribbean. During the critical hours of intercepting Soviet ships at sea political officers in Washington ignored the chain of command to give detailed orders to individual ships and aircraft.

On the other hand our strategic forces, main threat to the U.S.S.R., deployed, presumably, in strict accord with plans for atomic war. Polaris submarines suddenly slipped out of their berths at Holy Loch in Scotland, aerial tankers moved to optimum refueling bases, and bomber crews went on increased alert.

The whole political purpose of these deployments was to signal Khrushchev the unmistakable evidence that the confrontation was deadly serious. Whatever else may eventually develop from Cuba, Mr. Khrushchev read our intentions clearly and the overt crisis ended; Soviet ships turned around in midocean and some kind of Soviet withdrawal from Cuba followed.

It seems to me that despite the grave risks and despite the anguish of responsible commanders the game was worthwhile. Yet there are lessons to be learned among which I suggest the following:

1. Integrity of command will always result in a safer and smoother operation. If

in exceptional circumstances abnormal lines of communication are used or improper military deployments are directed by political authority it is essential that all hands in the chain of command be fully aware of the reasons. Under such circumstances commanders must be specifically relieved from all responsibility except for technical execution of the orders.

2. At the first sign of hot war, command must be returned to the fleet, field, and air commanders.

In the test ban treaty we now have a sweeping example of higher political purpose dictating limitations in an area of vital military importance. Some military men as well as scientists are convinced that the test ban gives the U.S.S.R. a significant technical advantage. More importantly, based on American history, they fear that the people of the country will let down their guard, our defenses will be allowed to deteriorate, and the United States would be slow to resume testing even if the U.S.S.R. violates the treaty. There are others who see the break with Mao Tse-tung and the test ban treaty linked in a colossal hoax, preliminary to confronting a sleeping Western World with Armageddon.

These are some of the risks. Yet I am persuaded, on balance, that the test ban treaty is worth the gamble—and gamble it is. It is a small beginning which could lead to vitally important agreements with the Communist world.

But we must remain forever on guard—as long as communism exists. We now have the "hot line" telephone between the President in Washington and Mr. Khrushchev in Moscow. Nonetheless, in atomic chess, as played in Cuba and now in process with the test ban treaty it seems to me that actions will always speak louder than words.

Mr. HART obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may make a unanimous-consent request?

Mr. HART. I yield.

ORDER FOR ADJOURNMENT UNTIL MONDAY,  
SEPTEMBER 16, 1963, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today it adjourn to meet at 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of Senators, it is the intention of the leadership to have the Senate continue to come in early and remain late. Senators can anticipate long sessions for the duration of next week during the consideration of the treaty until its details are fully considered and a final vote is reached on it. I serve notice to all Senators that the Senate will concentrate on the question of the disposition of the treaty, remain with it, come in early, stay late, until the treated is acted upon, one way or the other.

Mr. HART. Mr. President, in a sense this debate was initiated by the distinguished majority leader, when he addressed the Senate on September 4. In the course of the majority leader's brief but eloquent statement, the case—in my judgment an unanswerable case—for this treaty was set forth in full outline. With all respect to my colleagues, I doubt whether any of us can find new arguments for ratification of the nuclear test ban treaty that have not been set forth in that speech.

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That remarkable speech of last Wednesday put the case for the treaty in a way which answers a fundamental—if not always diplomatic—question which must be asked and answered before we can vote intelligently. That question, put bluntly, is: "What's in it for us?"

The majority leader answered that question to my total satisfaction. No one in this Chamber—no one in this country—no thinking person anywhere believes that this treaty will, in and of itself, forever, and irrevocably, prevent further nuclear testing even in the prohibited environments—in outer space, under water, or in the atmosphere. Yet it can help stop them. It can be a step toward the kind of world in which such tests are no longer an annual horror to which the human race is subjected by the unilateral decision of one or another of the nuclear powers. The treaty may stop such tests—the rejection of the treaty by this body will make the continuation of such tests a virtual certainty.

I submit, Mr. President, that when we set foot on Constitution Avenue after a hard day in this Chamber, we have only a probability of getting home alive through traffic. Traffic laws, enforced with rigorous severity, can only help prevent traffic accidents. I have never heard anyone suggest that we annul traffic laws because they do not guarantee against violations.

But what, I have asked, is in the treaty for us? It is to this question I would turn our thoughts. I want to cite just one of the benefits that will accrue directly to every Senator as an individual, and to every man, woman and child in the United States. It is the cessation, for so long as this treaty is effective, of further pollution of the air we breathe and the food we eat by radioactive by-products of each and every nuclear test—and particularly, though not uniquely high-yield thermonuclear tests.

I shall try to avoid technicalities, Mr. President, and I shall try, too, to avoid an overstatement of the fallout problem. There is no justification for ignoring the fact there is serious divergence among those scientists who are best informed on the fallout question. In the printed record of the hearings on the treaty, there occurs a good deal of testimony on the effects of radioactive fallout, and the importance of these effects to the Nation. The witnesses, predictably, comment on the fallout question differently, according to the views which they have of the broad political and strategic value, or danger, of the treaty itself.

Dr. Willard Libby, of the Atomic Energy Commission, and now a member of the chemistry department of UCLA, told the committee:

I have been concerned about fallout from the beginning. But never so concerned about its effects that I thought this ought to swing in any major way the decisions about the armament of the Nation.

Dr. Edward Teller, who is perhaps the most articulate and respected scientific figure standing in opposition to the treaty, asserted before the committee that:

We have increased the effects of natural radiation by 10 percent. The effects of natural radiation have never been proved to be harmful. The fallout question is really not close to the heart of the matter of this test ban treaty.

On the other hand, Dr. Glenn Seaborg, who is Chairman of the Atomic Energy Commission, stated in the hearings that the amount of fallout thus far released "has certainly led to some adverse health effect, and presumably some genetic effect."

To be wholly fair to Dr. Seaborg, let me say that in the same context, he stated that the fallout up to now—I emphasize those three words, "up to now"—"has not led to a serious situation."

Not all the qualified, scientific testimony which was presented to the committee took the line that the fallout question was unimportant.

Dr. Daniel Deykin, a physician, of Boston, Mass., speaking for the Physicians for Social Responsibility, testified at some length about the effects which existing fallout has had upon the health of our own people. I quote briefly from the testimony offered by Dr. Deykin:

The level of radioactive strontium 90 content of teeth and bone is 10 times higher in children born in 1957 than in children born in 1951, and the level of strontium 90 fallout is expected to increase still further. Such an increase in radioactivity is particularly alarming in view of the evidence that the unborn child is much more sensitive to a given amount of radiation than the adult. A recent study suggests that the fallout from the combined tests of the U.S.S.R.-United States in 1961-62 will cause an increase of 10 percent in childhood cancer mortality.

I ask Senators to pay particular attention to those words:

An increase of 10 percent in childhood cancer mortality.

Mr. President, those were the chilling words of Dr. Daniel Deykin, whose views on matters of health and genetics can be considered, from a point of view of the content of his professional training, to be at least as significant as the views on the same subject of a trained physicist.

Prof. Matthew Meselson, associate professor of biology at Harvard University, testified before the committee to the effect that fallout from tests already conducted will cause 50,000 children to be born with gross physical or mental defects. Muscular dystrophy, blindness, and dwarfism are among the disheartening catalog of defects mentioned by this witness.

There, Mr. President, is a sample of the scientific testimony presented to the Senators entrusted with the grave responsibility of making a recommendation to the Senate on the ratification of this treaty. Many people who are deeply committed to the treaty would like to be able to say that the scientific testimony is overwhelmingly in support of the contention that fallout has already killed many and will kill more.

Not all the testimony can thus be described, although much of it cautions us that this is so.

Senators who are strongly opposed to ratification may want to argue that the

testimony justifies the claim that fallout is unimportant, but, as I indicated earlier, the testimony as to the relevance of the fallout problem seems to me to vary with the views of the witnesses as to the overall wisdom of the treaty. The question of fallout, most witnesses seem to indicate, should be taken in the larger context. It was suggested, during the hearings, that the fallout problem could be likened to the effects of water on the human body—that sustained immersion can result in drowning, while an occasional refreshing glass is necessary for life itself.

It is like arguing that because a little salt helps the stew, therefore a large quantity of salt will make the stew better. The analogy, while a refreshing one, is hardly valid. I have examined the hearings carefully, and over past years I have read a good deal of expert testimony on the fallout question. I have seen opinions as to the "statistical insignificance of the effects of nuclear debris."

But never once, Mr. President, have I heard the most ardent supporter of nuclear tests assert that "a little fallout is good for you." Never have I heard expert testimony to the effect that anybody's group had "20 percent fewer cavities with strontium 90," or that "you may feel left out of things if you are not just a little bit radioactive."

Fallout, Mr. President, is seen as a threatening monster, or as a small goblin, depending upon the viewer's precommitments. But no one has yet cloaked radioactive debris in the guise of a benefit to "hitherto unfallen-out-upon mankind."

If we return to the testimony, Mr. President, once again we see that the only difference of opinion among the witnesses is the degree and the immediacy of the danger presented by fallout.

Dr. Seaborg says:

Certainly the less fallout we have the better it is for everybody.

At another point, Dr. Seaborg says:

I think that all scientists would agree that further radiation should be avoided if at all possible. I would imagine that most of them \* \* \* would not use the word "dangerous" \* \* \* a great number of them would probably employ the word "harmful" having in mind that according to the best, according to an interpretation made of the sparse data by a number of expert biologists and geneticists there will be a certain number of cases where there will be adverse health effects of genetic effects.

In other words, Mr. President, the so-called "controversy" about fallout seems to be whether this man-made pollution of our air and our food is "dangerous" or "only harmful."

There would seem to be, if one carefully examines the hearings, general agreement that fallout is not a useful natural resource, but rather that it is a hazard, to be weighed against other hazards in arriving at a conclusion about this treaty.

Even Dr. Teller—the most outspoken foe of the treaty, and the most insistent adherent to the notion that fallout has not posed any serious health problems to date—when asked what he would



recommend if we did not ratify the treaty, urged that we "unilaterally adopt a ban on the amount of radiation released into the atmosphere" by our own testing efforts.

What do those say who contend that the fallout problem is not a serious one? Basically, they seek to persuade us that the most careful measurements and extrapolations from observable data lead to the conclusion that somatic and genetic damage from nuclear tests thus far conducted—and I note with interest that almost every witness who dismissed the dangers of fallout, added that interesting qualification, "from tests thus far conducted"—is statistically insignificant.

Mr. President, 50,000 defective children may be "statistically insignificant" in the eyes of the historian of 100 years from this night. Two thousand or five thousand deaths from bone cancer may be "statistically insignificant" in the jargon of those whose profession leads them to devise words such as "overkill." But there is a fundamental inhumanity underlying each of those concepts which I refuse to accept as a rational basis for judgment.

I am sure that the idea of a "statistically insignificant" death is as coldly scientific as the idea of "overkill." But I submit that we can become so coldly objective as to lose touch, not only with sentiments and scruples that make us flinch from reality, but from the concepts and sensibilities that make us human. "Conscience doth make cowards of us all," says Hamlet. Conscience, Mr. President, should make men of us all. Conscience—sentimentality, if you will—leads most of us to reject the thought that a single child blinded by the deadly mist from a thermonuclear cloud is ever "insignificant." Conscience is the precise quality which differentiates us from the animal.

And so, Mr. President, I am led to the conclusion, from the same hard facts that appear in these hearings, that the "statistical insignificance" of which the weapons speak is wholly relevant to the question of the ratification of this treaty. It so happens that I reach a conclusion wholly opposite from theirs.

I fully agree with the rather homespun philosopher who reasoned that no rat poison is exactly the right amount of rat poison to have where children can get at it.

What are we really being asked to do in ratifying the treaty?

We are not asked to stop all nuclear weapon development or manufacture. We are not committing ourselves to dismantling our vast arsenal of thermonuclear weapons. We are not signing a warranty deed to eternal peace on earth, nor are we giving up a single strategic interest now in our grasp. This is a limited treaty. It binds us only so long as this country does not unilaterally decide that our supreme interests have been jeopardized by any events, to refrain from testing nuclear devices in the atmosphere, in outer space, and under water.

The President, the Secretary of State, Under Secretary Harriman who negoti-

ated it, and all the responsible officials who bear the awesome burden of our national survival and security, have told us that this treaty will not bring the millennium. Its effects are limited. Its risks are even more limited. So let us examine the question of the danger of fallout, not in the absolute terms which can lead some to talk of it as "statistically insignificant," but in terms of the world we can grasp, and in terms of the minor changes in that world which this treaty will make.

The "statistical" insignificance, of which some opponents speak when they look at fallout dangers, exists in terms of worldwide incidence. Though most fallout thus far has made its way to earth in the Northern Hemisphere, the percentages of additional radiation in the air may not be past the controversial "danger point" for the entire Nation. But there are hotspots in these United States where the level of radioactivity has suddenly grown to the point of danger, no matter who defines it. In the State of Minnesota, and in the State of Utah, just such hotspots have appeared, from the coincidental and unpredictable actions of winds and rain collecting radioactive debris and depositing it in a given spot. Perhaps the neighboring States were spared some of their "statistical" share of the fallout they might otherwise have received because the winds and rain of 1962 fell on Minnesota and Utah. If we continue to test weapons, if the Russians continue to test weapons, if other nations decide to join in the nuclear race, perhaps with less sophisticated devices, this year's rains or next year's winds may capriciously present Nebraska or South Carolina or New York or Florida—yes, Michigan—with a sufficiently excessive share of the fallout harvest so that those States, too, may be raised out of "statistical insignificance" to reach the dubious designation of "hotspots."

Certainly, I may be accused of speculation. Certainly, I am speculating on what can happen. Those who talk about the effects of fallout on the next generation, in terms of the tests already conducted, and who say we should not ratify this treaty are also speculating. They are speculating that the effects of fallout in the past and in the present will somehow not be magnified in the future, even if we continue testing. They are speculating that, somehow, from increased atmospheric tests, we can derive some benefits which in some way might overcome the impact on, and even the loss of, our children.

I am speculating, Mr. President, on the assumption that no amount of fallout is good for us; that whatever the effects of tests already conducted may have been, the effects of more tests will be even greater; that eventually we reach the point where we must, indeed, decide whether the poisoning of our own atmosphere and our food reasonably can be justified. And I suggest, on the basis of those speculations, that we ratify this treaty, that we accept this limited hope, that we husband the small flame of this single candle of reason in a world dark

with irrationality, before we have to make that hard choice.

Mr. President, in a setting such as this, when minds appear to have been made up on this question, I have heard occupants of the galleries ask, "Why do Senators continue to make speeches?" If we look into our own hearts and each one of us asks himself that question, I suspect it will be hard for each of us to explain why we do get up and make a speech. In all likelihood, it will not change a single mind.

We are all captives of history. I believe each of us has the wit to know that the flow of history surges, really without much influence from the voice or vote of any of us. But many of us have children, and I am sure that their verdicts of our performance will be measured more importantly on our voice and vote on this question than anything else that will be presented to us, no matter how many years it shall be given to us to sit here.

That is one reason why I desired, even at this late hour, and realizing it will not influence a soul, to speak into the Record for them, my hope for their future.

I am no scientist. I am no technician. In a way, I voice the viewpoint of most unscientific, most untechnical Americans, only a few of whom are permitted to speak into this Record.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MANSFIELD. I commend the distinguished Senator for the remarks which he has just made. While it may be true that what he has said will not change a single vote, nevertheless what he has said will, I think, give additional hope to the upcoming generations in this country who need that kind of outlook from their elders and from those of us who are charged with responsibilities of government in this most difficult day and age.

Perhaps the likelihood is that no Senator's vote will be changed at this late hour, but I would hope that Senators who have decided to vote for this treaty, as I have, along with the Senator from Michigan, the Senator from Minnesota [Mr. HUMPHREY], and other Senators, will be heartened by what has been said. Certainly, we are all deeply and personally moved by the remarks from the heart which the Senator from Michigan has just delivered.

While some people may scoff at the effects, genetic, physical, and otherwise, of nuclear explosions, nevertheless, I believe they are a shadow overhanging the discussions of the treaty now before the Senate.

I wish to express my deep and personal appreciation to the distinguished Senator from Michigan for the remarks he has uttered on the floor of the Senate this afternoon. He has marked a subject too seldom mentioned in this great debate. He has, in his remarks, put the importance of man over the importance of megaton.

Mr. HART. I thank the Senator.

Mr. HUMPHREY. Mr. President, I am very happy to be present in the Senate at the particular hour when the able and gifted Senator from Michigan

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delivers his address on this all-important step in American foreign policy, wherein the President of the United States has asked the Senate to advise and consent to the treaty which has been negotiated between the United States, the Soviet Union, and the United Kingdom, to prohibit nuclear weapons testing in the environments of the atmosphere, outer space, and underwater.

The Senator from Michigan has directed his remarks toward a subject matter that has been of deep concern to the overwhelming majority of the American people; namely, the health, welfare, and safety of the American people, in a period when a new form of energy; namely, atomic energy, has been harnessed for destructive purposes.

The Senator speaks about something that Senators should know something about; namely, the concern that mothers and fathers have for their loved ones, a concern that a fellow citizen ought to have for his neighbor, his community, and his country. I have said during this debate that most of us have spent a great deal of our time on the scientific and military aspects of the treaty. I say again in all candor that the scientific and military aspects are extremely complex. Without in any way trying to judge my colleagues, and speaking only for myself, I have spent several years as chairman of a subcommittee in the field of arms control and disarmament, listening to the testimony of hundreds of so-called experts on the subject of a nuclear test ban treaty. Time and again I have heard the words of scientists, and the expert testimony of technicians and scientists. In recent weeks I listened to the testimony of the outstanding military officers of our Government, outstanding scientists, outstanding leaders of our civic life. Most Senators are not competent to judge the scientific, technological, and military aspects of the treaty.

We can have a point of view and an opinion, which we ought to have; but when it comes to discussing the complexity of a nuclear device or a warhead or the difference between fission and fusion, or the difference between an atomic bomb, a hydrogen bomb, and a neutron bomb, I am sure our knowledge is surface deep and that it does not approach professional competence.

When it comes to a subject matter which deals with what happens to the lives of people, at least we can express from our heart our concern. The Senator from Michigan as did the majority leader in his memorable address of about 10 days ago, has given us reason to reflect; and after this moment of meditation, to vote for the treaty.

I have continued to be concerned about radioactive fallout. As the Senator has so well stated, we do not know how much radioactive fallout the human body can absorb without damage, but we do know that it is not good for us. We do not know how much arsenic the human body can absorb, but we know that if enough is absorbed, a person will die. We do not know how much strain and tension a human body can take, either, but if there is enough strain and tension over

a long enough period of time, a person will break down.

What the Senator from Michigan has said is that we need to have some assurances from this Government about the danger of radioactive fallout. We have been asking the generals and the President of the United States to give us assurances. We have said: "Give us assurances, Mr. President, that we shall be able to test weapons underground. Give us assurances, Mr. President, that we will keep our laboratories going. Give us assurances, Mr. President, that you will send a big enough budget to Congress to make sure that we can test in our laboratories. Give us assurances that there will be no great radioactive fallout."

Thank goodness, the President has done it. That is what is in this treaty.

What President Kennedy has done in this treaty by sending it to the Senate is to give assurances that it will be a benefit to other generations if the nations will abide by the treaty, and that man will not continue the danger of further radioactive fallout by reason of nuclear weapons testing. That is a very important assurance.

That is the kind of assurance that we ought to have. I have expressed concern over some of the provisions of the treaty. I have heard others express concern, today and on other days, about the risks that we take in ratifying the treaty.

Thank goodness the Senator from Michigan has told us about the risks we will take if we do not ratify the treaty. It is the risk of continued nuclear testing. Yesterday President Kennedy, at his news conference, told the entire world that if the treaty is rejected it will be the go-ahead signal, the green light, for continued testing by the present nuclear powers and by nations soon to become nuclear powers; there will be all-out testing. Let that specter be before us as we consider the risks.

The Senator from Michigan, in his humble, kindly, and thoughtful manner has again alerted the Nation to its moral responsibility.

Senators are elected not only for the purpose of reviewing the military posture and scientific achievements, but also to express, or at least indicate, some moral responsibility for this Nation. I thank God that there are men like the Senator from Michigan, and others, in the Senate who put at the top of the agenda the moral responsibility of elected public officials, and not merely the fact that we should produce a bigger bomb. Perhaps what we should produce is a bigger and better idea about the kind of world in which we ought to live.

If the President of the United States never does another thing in his term of office than to have responsibility for the successful negotiation of this treaty, I predict that he will go down in history as one of our great statesmen. Why? Because he has put people above power. He has put life above death. He has put hope above despair. The Senator from Michigan has only underscored what the leader of this country has offered to us—a great opportunity and a great responsibility. I salute the Senator and join

him in his message, which he delivered so eloquently and magnificently and forcefully today.

Mr. HART. I appreciate the kind remarks of the Senator from Minnesota, whose active leadership in this field over the years has given hope to those who seek a world made to endure in peace the decency, and also the kind remarks of the majority leader. The Senator from Minnesota made the point that we should underline the fact that weapons are powerful bombs, and that reaching the moon is spectacular, but that ideas are the most powerful of all instruments. We are reminded time and again that the dinosaur was the most powerful thing in the world, but there are no more dinosaurs in the world. Ideas are what we should forge, and effective forging of ideas means survival and the assurance of the maintenance of freedom in our society. Weapons alone will not be the answer.

Mr. SIMPSON. Mr. President, if history teaches us nothing else, it teaches us, in the words of Santayana, that:

Those who cannot remember the past are condemned to repeat it.

From what I perceive of the current debate, I would venture the guess that too much history has been forgotten. I would voice the fear that many of us will share the responsibility for reliving the history which shrieks so loudly now, "Beware of the nuclear test ban; you are negotiating with the tailors of your defeat."

I was privileged to sit through the open hearings held by the Foreign Relations and Armed Services Committees. I was impressed by the forthrightness of Secretary McNamara, the easy fluency of Secretary Rusk, and the grudging assent of the Joint Chiefs of Staff, but I was far more impressed with the articulate warning from nuclear scientist Dr. Teller—"father of the H-bomb"—who spoke with sincerity and conviction of the military loss inherent in this pact with the powers dedicated to our destruction.

The thread of commonality connecting the testimony of proponents and antagonists alike was the warning, sometimes subliminal but often patent, that despite the categorical promises of surveillance with vigor and instant preparedness, we are gambling our military superiority, casting aside the shield that protects the free world.

It has become popular conversation in recent days that a perpetual arms race has always been the real cause of wars.

That is a spurious argument without weight or substance.

I suggest that the abandonment of initiative, the sheathing of the sword, the false sense of security, and a preoccupation with material comforts have contributed far more to the triggering of wars than has any arms race.

I think Korea and World War II are excellent examples of the fallacy of the arms race and war theory.

It was no arms race that propelled Hitler over the Polish border in 1939. It was a clear indication that he would meet no effective resistance—that his political fences had been adequately

built with the Soviet Union. Hitler felt assured of easy conquest as he loosed his war machine.

It was not the arms race that sent the Korean hordes over the 38th parallel in 1950 to inundate grossly inadequate American defenses. America was engaged in no arms race during the months which prefaced those two conflicts. We were instead basking in the euphoria of de facto disarmament, telling ourselves that the thing called peace is pretty nice, and maybe if we just do not look up and notice the war clouds on the horizon, a nice warm wind from Washington will dispel them.

The end of complacency came with a shattering swiftness in Europe and Asia, but not because the United States was engaged in an armaments race. The race came later, and we were sorely strained to rebuild our military might.

At the outset, Mr. President, let me say that I was much disturbed during a visit home to find Washington press reports that the Senate must not alter the test ban pact because it might force the treaty to be renegotiated. The thinking apparently is that Chairman Khrushchev, who has never been interested in assuring the readiness of American defenses, might not like our amendments. Therefore, the treaty would not survive additional negotiations.

I intend to devote a portion of these remarks to the discussion of several treaties the Senate has considered or amended and also to the often heard proposition that chaos will envelop America if the Senate "tampers with the will" of the Executive and alters the treaty. This debate, I feel, could benefit from Patrick Henry's "Lamp of Experience":

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know no way of judging the future but by the past.

I suggest that the pages of history are replete with excellent precedents of the Senate exercising its constitutional responsibilities for treaty amendment. Nowhere in these precedents have I perceived the intention of mollifying a dictator who has sworn to destroy us.

If the Senate does advise amendments to this treaty and if the document should by chance die in renegotiation, despite the apparent sincerity of Khrushchev, on whose shoulders would the responsibility descend? There are those in this Chamber who have stated that the Senate would be the executioner because Russia's master would not accede to Senate inspired treaty revisions. That premise, Mr. President, is specious on its face.

The Senate's decision on ratification must be predicated entirely and solely upon the effects the treaty will have on America's military and political posture. It cannot be based upon the supposition of what may happen to the document if we protect our interests as they relate to it.

The Senate's judgment must take into consideration only the United States—no other nation, no other political philosophy. There is necessarily inherent in such decisionmaking the possibility

that the treaty will not emerge from debate with its language unscathed.

I sincerely hope the text can be altered, and I plan to direct my efforts to that end.

The oath we have taken as Senators ends at our shores. We are not constitutional internationalists. Our allegiance and our singular responsibility is to the United States. We have not been certified as arbiters of the so-called Sino-Soviet dispute. We have no authority to ascertain the "good and the bad" communisms on the theory that we should support—through this treaty—the brand of communism which may appear slightly less evil.

To the argument that the Senate would be remiss to tamper with an Executive judgement, I would like to quote a statement by the distinguished Senator from Massachusetts at the turn of the century, Henry Cabot Lodge.

There was at that time a great campaign of vilification in the British press regarding the Hay-Pauncefote Treaty. Senator Lodge noted that the British papers "seemed to have a general belief that the Senate amendments" to the treaty "were in some way a gross breach of faith, a view not susceptible of explanation but very soothing to those who held it." To this criticism the Senator replied:

It has been the uniform practice of the Senate to amend treaties whenever it seemed their [sic] duty to do so \* \* \* the Senate can only present its views to a foreign government by formulating them in the shape of amendments which the foreign government may reject or accept or meet with counterpropositions, but of which it has no more right to complain than it has to complain of the offer of any germane proposition at any other stage of the negotiation.

Those words uttered by a great statesman of his time could well be repeated to anyone who would question the right and responsibility of the U.S. Senate to alter the language of a treaty in any way it considered proper.

The Senate is a coequal partner in the matter of treaties—an especially salient point of this discussion. In the opinion of some Senators, the treaty contains errors, deficiencies, and anomalies that can only be corrected by the Senate. The right of this body to share in treaty-making at every stage has always been fully recognized both by the Senate and by the Chief Executive. The power of the Senate to amend or recommend ratification conditionally is, of course, included in the larger powers expressly granted by the Constitution to reject or confirm.

Since the administration is asking the Senate not for its advice but only for its unquestioning consent to a treaty on which the Senate has had no opportunity whatsoever to propound suggestions, it is quite fair to note that the administration would have been following many very well established precedents, one as far back as 1789, had it asked this body its sense on the treaty language before Mr. Harriman initialed it in Moscow.

As a point of precedent, I note the Senate in 1795 amended the Jay Treaty,

ratifying it on the condition that the 12th article should be suspended. Senator Lodge writes that Washington "accepted their action without a word of comment as if it were a matter of course, and John Franklin, in his 'Life of Washington,' has treated the Senate's action on that memorable occasion in the same way."

That Great American statesman, Thomas Jefferson, is reported to have told President Washington on March 11, 1792, that it was:

Advisable whenever possible to consult the Senate before the opening of negotiations since its subsequent approbation was necessary to validate a treaty.

We also have a direct and unanimous declaration by the U.S. Supreme Court in *Haver* against *Yaker*. Mr. Justice Davis, delivering the opinion, said:

In this country a treaty is something more than a contract, for the Federal Constitution declares it to be the law of the land. If so, before it can become a law, the Senate in whom rests the authority to ratify it must agree to it. But the Senate are (sic) not required to adopt or reject it as a whole, but may modify or amend it, as was done with the treaty under consideration.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. CURTIS. I congratulate the Senator from Wyoming. He has conducted research on matters of vital importance. He has correctly pointed out the function of the Senate in treaty-making.

Apparently it is presumed by some that the Executive makes a treaty, and then the Senate is asked to approve it, in the same way in which the Senate might confirm the appointment of an individual. But such is not at all the case. As the Senator from Wyoming has well stated, a treaty is the law of the land.

The Constitution vests in the Senate part of the treaty-making power. I call attention to the fact that the statements to which the Senator from Wyoming has referred are based upon section 2 of article II of the Constitution, which provides:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur.

The point I wish to make is that the Senate is part of the treaty-making process; and, as such, the Senate exercises not only a constitutional duty, but also one which has been adhered to through the years.

It is difficult for me to understand why some persons have become so enamored with their own ideas and their own projections that they do not dare trust free government to operate, and have no faith in constitutional procedures.

If we believe in free government under law, certainly we must not be afraid to follow constitutional procedures.

Mr. SIMPSON. I am grateful to the Senator from Nebraska for his very pertinent observations. Let me say that I am cognizant of the section of the Constitution he cited, and I thank him for his contributions.



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To avoid further burdensome statistics, let me at this point, Mr. President, mention three postwar instances in which the Senate, the Committee on Foreign Relations, or individual Senators were consulted or otherwise were involved in treaty discussions. I ask that there be printed in the RECORD, as insert No. 1, a memorandum on them; and, as insert No. 2, a memorandum which refers to earlier precedents for advice by the Senate in regard to treaties.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

## No. 1

Following are three postwar examples of treaty negotiations in which the Senate, the Committee on Foreign Relations, or individual Senators were consulted or were otherwise involved:

## 1. UNITED NATIONS CHARTER

Preliminary executive-legislative planning for the charter began with conversations between State Department and congressional officials, then took form with the appointment in 1942 of an Advisory Committee on Postwar Foreign Policy, which included both executive and legislative personnel. The Fulbright and Connally resolutions of 1943 committed both Houses in principle to participation in an international security organization. The prospects for nonpartisan consideration were improved by a declaration by Senator Warren Austin, Senator Arthur Vandenberg, and other Republicans, and by the agreement of Secretary of State Hull with John Foster Dulles, as Dewey's delegate, to avoid the subject as a presidential campaign issue.

The final stage of legislative-executive relations regarding the charter was the establishment of direct congressional participation in the formulation and approval of the charter itself. Secretary of State Hull asked the Senate Committee on Foreign Relations in March, 1944, to appoint a subgroup of four Democrats and four Republicans to confer with him concerning the charter. After its first meeting on April 25, 1944, this committee of eight met regularly and discussed at length all major aspects of the draft charter proposed by the State Department.

Although Secretary Hull did not urge any congressional leaders to attend the Dumbarton Oaks Conference, he told Senators Vandenberg and Connally and Speaker Rayburn that he would keep them informed of the progress of the conference and would let them know if any radical changes were made in the plan approved by the committee of eight.

Between the Dumbarton Oaks Conference and the San Francisco Conference there were further State Department meetings with the Senate committee of eight and also with leading Members of the House. Another important step was taken when Senators Connally and Vandenberg and Representatives Bloom and Eaton were appointed as delegates to the San Francisco Conference. Nonpartisan executive-legislative cooperation continued at the San Francisco Conference and afterward, until the charter was finally approved by the Senate on August 8, 1945, by a vote of 89 to 2.

## 2. NORTH ATLANTIC TREATY

Secretary of State Marshall and his Under Secretary, Mr. Lovett, on behalf of a Democratic President, began a series of informal talks with Senator Vandenberg, the Republican chairman of the Foreign Relations Committee, and Mr. Dulles, a Republican who many during that election year of 1948 considered would be the next Secretary of State. These and subsequent discussions produced

the Vandenberg resolution, which was approved unanimously by the Committee on Foreign Relations and adopted by the Senate by a vote of 64 to 4. Thus the President was "advised of the sense of the Senate" that the United States should, among other things, associate itself with regional security arrangements for effective self-help and mutual aid, and should make clear its determination to exercise the right of individual or collective self-defense under article 51 of the United Nations Charter.

Under Secretary Lovett, who conducted complex negotiations with the European powers, discussed preliminary drafts with both Senators Vandenberg and Connally, so that when the latter assumed the chairmanship of the Foreign Relations Committee after the elections he was well informed about the negotiations.

Dean Acheson, who became Secretary of State in January 1949, continued the consultations on Capitol Hill. The important exchange of views between the State Department and the Committee on Foreign Relations at informal meetings led to many changes in the draft treaty. The most important of these applied to article 5, which embodied the key principle that an "armed attack" on one or more of the members of the North Atlantic area would be considered an attack on all. Apparently at the insistence of Senators Vandenberg and Connally, a phrase was introduced committing each signatory only to "take such action as it deems necessary \* \* \* to restore and maintain the security of the North Atlantic area." Thus was forestalled any Senate objection to an "automatic" commitment to go to war, which would have been counter to the constitutional right of Congress to declare war.

The Senate consented to ratification on July 21, 1949, by an 82-13 vote.

## 3. FAR EAST SETTLEMENT

The following is an excerpt from Randall H. Nelson, "legislative participation in the treaty and agreement making process," Western political quarterly, volume 13, March 1960: 154-171. The treaties involved were the Japanese Peace Treaty and two Pacific security agreements—the Anzus Treaty and the Philippine Treaty. All three were approved by the Senate on March 20, 1952:

"More recently, the constant consultation and collaboration between Ambassador (later Secretary of State) John Foster Dulles and the members of the Senate Committee on Foreign Relations which marked the negotiation and conclusion of the Japanese Peace Treaty drew high praise from both the Senate and the Department of State. When Senator Connally, chairman of the Senate Committee on Foreign Relations, presented the treaty on the floor of the Senate, he remarked:

"As chairman of the Foreign Relations Committee I want to congratulate the executive branch, and particularly the Honorable John Foster Dulles, for the effective way in which these treaties were negotiated. From the very beginning, Senator Dulles conferred with the Foreign Relations Committee and he kept in constant touch with us throughout the negotiations. Since the conclusion of the United Nations Charter, I believe that the Japanese Peace Treaty represents a high-water mark in the development of closer executive-legislative teamwork in the formulation of foreign policy. It is significant that eight Members of the Senate were named by the President to serve as members of the U.S. delegation to the San Francisco Peace conference."

"The ranking minority member of the committee, Senator ALEXANDER WILEY, Republican, of Wisconsin, also had praise for Mr. Dulles:

"At the outset, Mr. President, I should like to commend the executive branch for the fine bipartisan and cooperative manner

in which it negotiated the treaties. We all know that Ambassador Dulles, a former Republican Senator from New York, was the one principally responsible for negotiating the treaties. He did a grand job in keeping members of the Foreign Relations Committee constantly informed of his negotiations. He consulted with us time and time again to give us a general outline of what was going on. Ultimately the American delegates who signed the treaty, including a number of Members of Congress, were chosen on a completely bipartisan basis."

Mr. John M. Allison, Assistant Secretary of State for Far Eastern Affairs, in an address before the American Society of International Law, commented most favorably upon the cooperation between the executive branch and the Senate during the negotiations of the treaty. He said in part:

"The conclusion of these treaties was an effective demonstration of cooperation between the executive and legislative branches of the Government."

"From the time he was appointed by the President on September 8, 1950, as chief U.S. negotiator until just 1 year later on September 8, 1951, when the treaty was finally signed, Mr. Dulles and his associates in the Department of State made a deliberate effort to keep the members of the Foreign Relations Committee of the Senate informed of what they were doing and the way in which they were doing it. During this period there was a series of meetings between Ambassador Dulles and the members of the Consultative Subcommittee on Far Eastern Affairs of the Senate Foreign Relations Committee. At all important stages in the negotiations of the treaty, Ambassador Dulles consulted with the subcommittee and on several occasions with the whole committee on specific problems that arose. Suggestions were received from members of the committee as to how many of these problems might be solved, and these suggestions played a real part in the determination of the final text of the treaty.

"Not only were members of the Foreign Relations Committee kept informed but Mr. Dulles made it a practice to discuss treaty matters with influential Members of the Senate who were not members of the Foreign Relations Committee but who would be called upon to pass final judgment on the treaties themselves. There were also several meetings with members of the Foreign Affairs Committee of the House of Representatives. While the House of course has no direct part in the ratification of treaties, nevertheless, it does have a part in passing implementing legislation by which treaties can be carried out, and it was therefore believed important that as many Members of Congress as possible should be kept fully informed. When the time came to send a delegation to San Francisco to sign the treaties, members of both the Senate and the House of Representatives were included on the delegation. This procedure, providing continuous consultation with the Congress, was proved to be justified when the treaty came before the Senate. It was approved unanimously by the Foreign Relations Committee and was then overwhelmingly approved in the Senate itself by a vote of 65 to 11. It has been demonstrated that the people at the two ends of Pennsylvania Avenue can cooperate effectively when both are convinced what they are doing is for the true and lasting benefit of their country."

## NO. 2. EARLY PRECEDENTS FOR ADVICE BY THE SENATE IN REGARD TO TREATIES

(From "Treaties: Their Making and Enforcement," by Samuel B. Crandall, second edition, ch. 6.)

In 1789 President Washington personally briefed the Senate on a proposed treaty with

the southern Indians. History tells us that the Senate "seemed unwilling" to give its advice and consent without having first fully considered articles contained in a short paper read by the President regarding seven specific points of negotiation. It is further noted that the Senate maintained its right to exercise an independent judgment by voting in favor on a part only of the proposition submitted.

President Washington by special messages of August 4, 1790, August 11, 1790, January 18, 1792, and March 23, 1792, sought Senate advice as to the conclusion of treaties with Indian tribes. The advice was given in each case, and the treaties were carefully drafted to be in conformity with the wishes of the Senate.

In a communication to the Senate on February 9, 1790, concerning differences that had arisen between the United States and Great Britain, as to the Northeastern Territory, the President stated that he considered it advisable to postpone any negotiation on the subject until he had received the advice of the Senate as to the propositions to be offered on the part of the United States.

It is notable there that the Nation's Chief Executive in that vitally important negotiation with Great Britain on our northeastern territory would not act until he had received the advice of the Senate.

By message on May 8, 1792, the President inquired of the Senate whether it would approve a treaty if one were concluded with Algiers for payment of ransom and peace money.

President Jackson, on May 6, 1830, sought the advice of the Senate in advance of a treaty. President Polk on June 10, 1846, asked the Senate for its advice as to the conclusion of the proposed Oregon Treaty.

President Buchanan communicated with the Senate on February 21, 1861, again in regard to an Oregon Treaty. The Great Emancipator, Abraham Lincoln, was completely in concurrence with the principle of requesting the Senate's advance sense on treaty negotiation. He did so March 16, 1861, and again on December 17 of that year. At that time President Lincoln transferred to the Senate for its advice the draft of a convention with the American Minister in Mexico regarding the payment of claims urged by European powers.

There are also precedents for the submitting to the Senate of treaty drafts purely for advice and discussion, after which the language is put in a formal treaty for the consummation of negotiations. The treaty then returns to the Senate for the procedural advice and consent.

Mr. SIMPSON. Mr. President, although nations have balked at the treaty-amending powers of the Senate, no President has ever questioned the right or obligation of the Senate to amend a treaty. I hope the present administration will maintain that extremely ethical perspective throughout the test-ban treaty debate.

Mr. Buchanan, Secretary of War to President Polk, rendered, on February 26, 1846, an opinion that the Federal Constitution has made the Senate a coordinate branch of the treaty-making power. Without its advice and consent, no treaty can be concluded; and in Mr. Buchanan's words:

This power could not be trusted to wiser or better hands.

Mr. President, I should like to address myself to two other aspects of this debate, both of which are germane to the question of amending the treaty. The distinguished Senator from Connecticut

[Mr. DODD] has offered five statements of understanding to this treaty. I have read these statements, and I am sympathetic with their language. However, what we must consider here is that action taken to interpret or clarify the treaty must be of such a nature as to affect the contractual relationship. Without such effect, the action is of no consequence. It is my hope the Senator will offer his proposals as amendments.

As the debate has shown, only a de facto amendment or reservation will alter the international obligation of the United States to this treaty. It is this obligation, and that of the Soviet Union, which must be crystal clear before the pact is ratified.

At this juncture of the proceedings, Mr. President, I request unanimous consent to have printed in the RECORD an article entitled "Soviets May Have Ultimate ABM," which was published in the magazine *Missiles and Rockets* on September 16, 1963.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**SOVIETS MAY HAVE ULTIMATE ABM—ELECTROMAGNETIC ENERGY FROM HIGH-YIELD BLAST MIGHT NEUTRALIZE U.S. MISSILES IN SILOS, LEAVING MAGNOT LINE DETERRENT**

The Soviet Union may be developing an antiballistic missile system capable of deactivating U.S. missiles in their silos with the electromagnetic energy from exploding high-yield Soviet nuclear weapons, Missiles and Rockets has learned.

This possibility, supported by U.S. intelligence gathering on the 1961-62 Soviet high-yield test series, is behind strong opposition by many high military officers and nuclear scientists to the test ban treaty.

The Soviet lead in antiballistic missile development has been acknowledged even by administration supporters in the test-ban debates. It is based on the long-range ability of strong electromagnetic pulses to cripple the electronics system of a missile so that it cannot be fired.

It could mean that the United States has invested billions of dollars in a "magnot line" of Atlas, Titan, and Minuteman missiles that could be rendered useless by the new Soviet development.

#### POLARIS SAFE

Polaris missiles beneath the sea would be relatively immune, as would manned bombers on patrol far from U.S. shores.

This point was made by Dr. Edward Teller when he told the Senate: "By expanding and perfecting the Polaris missile system, we could ameliorate the situation."

U.S. knowledge of Soviet developments in this area has been given the highest national security classification and has been discussed only in closed sessions of Senate committees considering the treaty.

U.S. information comes from monitoring satellite, aircraft, and other intelligence sources.

Soviet achievement of such a capability could effectively neutralize the major portion of the U.S. deterrent force in its silos, this magazine is told.

This belief is based on the fact that U.S. military strategy relies on second-strike capability, which concedes the first strike to the Soviet Union and bases the U.S. deterrent on the ability to survive the initial attack and still retaliate.

#### NO SECOND STRIKE

Achievement by the Soviets of the capability of using their first strike offensive weapons simultaneously as defensive weap-

ons that would destroy the electronics of U.S. silo-based missiles could wipe out the ability of the United States to retaliate.

This fear was expressed in depth by Gen. Thomas S. Power, commander of the Strategic Air Command, in his testimony before a closed session of the Senate Preparedness Investigating Subcommittee. The testimony was severely censored before release, with any reference to electromagnetic pulse (EMP) phenomenon deleted from the text.

The possible effect of the burst of electromagnetic energy from an exploding high-yield weapon on the electronic circuitry of a missile is described as similar to what happens when lightning strikes a radio. It is believed to be capable of fusing wires, burning out circuits, and causing other extensive damage that would leave the missile inert in its silo, incapable of being fired or easily repaired.

In an article on radiation effects, John Crittenden, consultant in this field for General Electric, stated last week: "The detonation of (nuclear) weapons produces radiation over the entire electromagnetic spectrum.

"The prompt gamma pulse will affect electronic devices sensitive to ionization, and the radiofrequency signal propagated carries enough energy to damage electronic circuits drastically."

Experiments have shown these electromagnetic effects are effective far beyond the normal heat and blast effects of an explosion. In space, a 1-megaton explosion can harm electronic systems over a radius of 110 miles or more, according to GE.

Extrapolation of this information to the effects of perhaps a 60-megaton Soviet weapon exploded in the atmosphere is difficult. This is one reason some U.S. military officers and scientists would like to see the United States undertake high-yield testing.

It is known that pulse radiation of Soviet high-yield nuclear tests in 1962 crippled the electronics of a U.S. satellite, possibly the one used to monitor those same electromagnetic effects.

#### HARDWARE AFFECTED

The destructive effects of electromagnetic pulse on electronic systems include deterioration of semiconductors, current leakages, displacement or breaking of printed circuits and swelling of potting compounds and insulation used in electronic hardware.

As an example of the range of the effect, it can be disclosed that one of the U.S. nuclear tests in Nevada popped circuit breakers on power lines more than 100 miles away in California. Nevada tests are restricted to yields of 20 kilotons or less.

A Russian warhead of, for example, 60 megatons, releases most of its energy in the form of velocity of particles. This leaves about 10 percent—5 percent conservatively—distributed across the electromagnetic spectrum from hard protons of the gamma type all the way down to the very soft radio waves. One scientist emphasized to Missiles and Rockets, "and 5 percent of 60 megatons is one helluva lot of energy."

In regard to electromagnetic effects of high-yield weapons, Dr. John S. Foster, Jr., director of the Lawrence Radiation Laboratory at Livermore, Calif., told the Senate Foreign Relations Committee August 21, "It is simply that the question of how hard anything is to electromagnetic phenomena, be it antiballistic missile defense or hardness of silos, has to do with matters that, in my opinion, are not sufficiently well understood to be able to say with full confidence that they will function as designed in a nuclear environment."

He warned the committee that it would be taking an incalculable risk with the security of the country if it approved a treaty prohibiting further testing in the atmosphere.

The U.S. military already is financing development of electronic equipment less sensitive to radiation than that now used in U.S. missiles, but its effectiveness against high-yield explosions will be questionable.

#### FILLING IN THE BLANKS

With EMP in mind, examination of General Power's testimony before the Senate subcommittee makes clear his concern with the phenomenon. (In the testimony quoted below, deletions made for security reasons have been replaced by the language which might have been used. This deletion and its replacement is indicated by being enclosed in brackets.)

Senator STROM THURMOND, Democrat, of South Carolina. "If we are going to secure the second strike, then we have to be sure that our missiles can make that strike. And if [the Soviets] have tested and found out certain weapons effects and have found out that a certain yield weapon or a certain strength weapon can destroy our missile sites or destroy the [electronics] system, and if we cannot test any more to catch up with the knowledge they have gained, then can we assure immunity of our second strike, of our second missile system?"

General POWER. "I would say this would be a tremendous advantage to the Soviet Union and a tremendous disadvantage to us, again depending on what they have found out." (This was followed by a classified discussion of EMP.)

Senator THURMOND. "And if they render our missiles inoperational through the knowledge they have gained and through the power they will have with this strike \* \* \* then if that situation should come, to pass, we don't have the manned bombers to make it, then where would we be?"

General POWER. "We would be in trouble if this [electromagnetic] weapons effects phenomenon actually was as you described it. The point is I think we must find out. We must determine whether or not these things are true."

The reference by Senator THURMOND to rendering missiles inoperational, in contrast to their destruction by blast or heat, may be considered a significant clue to the importance of EMP. Hardening and dispersal of U.S. missile sites had been based on calculation of heat and blast effects which would require almost a direct hit to destroy a missile in its silo. EMP, however, might be capable of incapacitating a great number of missiles at once.

#### TARGET PROGRAMING ERASED

The all-inertial guidance system of U.S. missiles such as Atlas F, Titan II and Minuteman are based on storing of target and guidance data on magnetic tapes or drums. In Minuteman silos, for example, a magnetic drum mounted on the silo wall contains information on more than one target, with selected target data fed to the missile before launch. A burst of electromagnetic energy might be capable of erasing such information, according to informed sources.

General Power told the subcommittee that if it is found that a high-yield nuclear weapon has such destructive electromagnetic effects, the United States would want to employ its own ICBMs to do double duty as antiballistic missile system.

"That would give you much greater capability automatically," he said. "So it is a two-edged sword."

The subcommittee, in its report to the Senate, after listening to 21 military and scientific witnesses, declared:

"The Soviets have overtaken and surpassed us in design of very high-yield nuclear weapons. They may possess knowledge of weapons effects and antiballistic missile programs superior to ours."

#### RUSSIAN TEST AIMS

It noted that the character of the recent Soviet high-yield tests indicated they were

centered upon antiballistic missile development. The report stated:

"It is prudent to assume that the Soviet Union has acquired a unique and potentially valuable body of data on high-yield blast shock, communications blackout and radiation and electromagnetic pulse phenomena which is not available to the United States."

But concern over what lessons may have been learned from high-yield tests was not limited to EMP. A Hill spokesman said there may be other exotic effects.

Senator ROBERT C. BYRD, Democrat, of West Virginia, a member of the Armed Services Committee, was preparing last week to make a speech on the Senate floor expressing his fear that the Russians, through their high-megaton explosions, have gained other technical advantages the United States may not possess.

These, he felt, might enable them to create a communications blackout that could render U.S. missile sites, silos and electronic equipment useless. Senator BYRD also was expected to point out his suspicion of the fact that the Russians, after previously refusing to sign test ban treaties, have reversed themselves about a year after conclusion of their last series of tests, about the time it might have taken to analyze the data.

Mr. SIMPSON. I wish to read two paragraphs from the editorial comments with respect to the article:

The article on page 14 of this issue probably is the most important published by this magazine since its founding. It brings out into the open the critical and highly classified problem which has been at the heart of the opposition to the nuclear test ban treaty by many nuclear scientists and high-ranking Air Force officers. The fact is that the Soviets may have found the answer to their antiballistic missile problem by attaining the ability to render U.S. missiles inoperational in their silos.

The possibility is more than a threat to the effectiveness of U.S. missile forces. If true, it threatens to negate the whole deterrent posture of this Nation by making possible enemy deactivation of the heart of U.S. nuclear strength.

It now appears that the Soviet Union, as a result of its 1961-62 high-yield nuclear tests, may be developing an ABM system that can wipe out the electronic brains of U.S. missiles with extremely powerful electromagnetic pulses which would leave them inert and useless in their silos.

Mr. President, it is not enough to propound understandings or interpretations or any of the lesser measures. Statements of clarification and administration pontifications will carry scant weight when balanced in international judgments against the actual ambiguous language contained in this treaty—the language the Senate is asked to approve.

In this debate, I have heard it said that any Senate action which forces renegotiation would, in effect, force the involvement of 91 signatories. If my interpretation of treaty law and of the test ban treaty language is correct, there will be no treaty until all of the original parties, including the United States, have completed ratification.

There are two classes of signers of this treaty: the original signatories—who are the United States, Great Britain, and Russia—and the secondary signers. Unless and until the treaty is cleared by the Senate and is ratified by all of the principals, there will be no treaty to which the secondary signers can be a party. These other nations have simply

signified their intention to join in a treaty if the principal parties create one through ratification.

The language on which we are asked to advise ratification is a mere projection for a treaty, not a treaty in any way whatsoever—a point that is made explicit in the proposal itself.

If the Senate should so choose, it could advise ratification with conditions and amendments, and could instruct the Chief Executive to delay fulfillment of the treaty's third article or third part until the provisions as to Senate advice had been met. By instructing the Chief Executive to hold ratification in abeyance until changes in the treaty had been renegotiated by the principal parties, the secondary parties would be precluded altogether from having any voice in these discussions. After new language had been worked out, the secondary parties could accede to it.

In short, Mr. President, there is no foundation for the argument that the Senate must involve nearly 100 nations in this treaty, in order to make amendments. That just is not so. The United States, Great Britain, and Russia have yet to create a treaty; and until such a time as they do, we are dealing only with the details of a proposal—a proposal which, in my opinion, does not adequately protect the interests of the United States militarily, politically, or in principle.

It must be remembered that since 1789, the U.S. Senate has been asked to consider 1,358 treaties. Of that number, 944 have cleared the Senate without amendments; 252 have cleared with amendments; 119 of the 944 received no final action; and 1,196 proposed treaties have been concluded. In short, Mr. President, an amendment does not necessarily plant the kiss of death on a treaty. But whether or not it be a kiss of death or a stimulus to debate is incidental to the prime factor of the treaty's effects on American interests.

Finally, Mr. President, there is the protagonist's argument of the great political setback, so-called, that would be suffered by the United States should this treaty stumble in its trip through the Senate.

Mr. President, I quote now from the Foreign Relations Committee memorandum which appeared on page 15668 of the Senate debate of September 9. The memorandum states:

If the Senate calls this treaty into question with a reservation or other qualification, it will invite the scorn of the civilized world; it will open the floodgates of Communist propaganda and give communism, a movement that has been largely emptied of its international force and appeal in recent years, renewed vigor.

I should like to quote also from an Associated Press article dated September 10, quoting Secretary of State Rusk. The Secretary prophesied that if the test ban treaty were not to be ratified, "the possibility of exercising any control over armaments would vanish. The possibility of settling dangerous political problems would be greatly reduced."

The article also paraphrased the Secretary that a U.S. turnaround would cost America the confidence of many Nations,



would poison the atmosphere with more nuclear tests, intensify the arms race, increase tension, and enhance prospects of war.

Mr. President, that is a rather foreboding prophecy. All these evils are to descend on our Nation because of the manner in which the Senate might elect to perform its constitutional duty. I suggest that predictions such as these are grossly intemperate and do harm to this debate's objectivity.

Consider, if you will, that the Soviet Union has maintained a virtually ceaseless initiative in the cold war since that day in 1945 when Winston Churchill announced the fall of an Iron Curtain "from Stettin in the Baltic to Trieste in the Adriatic." That the Soviets have perpetuated this initiative cannot be questioned. It was not appreciably hindered by the Hungarian blood bath in 1956 when Soviet tanks slaughtered women and children in the streets of Budapest. Photographic evidence of that Russian brutality dispatched throughout the world did nothing to shatter the military-political phalanx of Communist initiative.

The concrete and barbed wire wall dividing Berlin has not erased Soviet conquests. The infusion of missiles in Cuba—an act which ostensibly brought the world to the brink of a nuclear war—has not made communism less palatable to the cold war nations.

Are we then to subscribe to the ridiculous proposition that one act of the Senate—an act entirely compatible with its constitutional obligations, its duty under the law, and historical precedent—will cause irreparable damage to the image of America? The administration's pronouncements notwithstanding, I believe the answer is patent. Rejection of this treaty will not have any significant effect upon America's relationships with other countries.

To put this question in perspective, I realize that there will certainly be an amount of adverse reaction around the world if this accord is rejected or amended. There will also be adverse reaction from many quarters here at home if it is ratified. The adversities that may accrue to the United States, whatever its action, will be inconsequential compared to the scorn and the vituperation directed many times in recent years at the Soviet Union. Russia before and during Khrushchev's dictatorship has sponsored myriad travesties on morality, integrity, and the law in virtually every country on earth, but the Soviets have continuously increased their might and stature.

Has the scorn of the civilized world irreparably damaged the Soviet Union? Hardly, for they stand today on the brink of the very type of agreement the President said they would never get from us again—an uninspected moratorium on nuclear testing.

View the contradictions.

We admit that our intelligence cannot provide hard evidence of Soviet military strength; yet we reach an optimistic comparison of strengths.

We admit that of 52 major agreements they have broken 50; yet we hasten to provide a 51st opportunity.

We admit they have not kept their pledge to remove their war machine from Cuba; yet some castigated a distinguished Senator of this body—a Senator with an unimpeachable military background who dares suggest that a withdrawal is required before we give Russia a treaty.

We admit they prepared for at least a year to violate the first nuclear moratorium; yet we rush pellmell now to recreate another identical situation.

We admit the Soviets tested their way into vital new fields of knowledge with their chicanery of 1961 and 1962; yet we seek to consummate a treaty that would bar us from that knowledge.

Russian-dominated Communists are killing American servicemen in the dirty little war in Vietnam; yet we negotiate a treaty and utter euphoric catch phrases alluding to some nebulous and imminent rapprochement.

We have the views of the Preparedness Subcommittee that the treaty contains significant military disadvantages; yet we tell ourselves that we will consider only the possible political advantages.

We admit we cannot trust the Russians; yet we foolishly placate ourselves with the panacea that trust is not a factor in this treaty.

Equally alarming, we have apparently subscribed to the theory that laboratories and scientists can be suspended indefinitely in limbo and still be ready to function at a moment's notice. The administration disavowed that thinking once—but has apparently subscribed to it again.

The Chief Executive, in his communication read by the minority leader, said:

This Government will maintain strong weapons laboratories in a vigorous program of weapons development, in order to insure that the United States will continue to have in the future a strength fully adequate for an effective national defense. In particular, as the Secretary of Defense has made clear, we will maintain strategic forces fully insuring that this Nation will continue to be in a position to destroy any aggressor even after absorbing a first strike by a surprise attack.

This assurance can hardly be reconciled with the Chief Executive's statement in March 1962, that—

In actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future. Nor can large technical laboratories be kept fully alert on a standby basis, waiting for some other nation to break an agreement. This is not merely difficult or inconvenient. We have explored this alternative and found it impossible of execution.

In a nutshell, our laboratories cannot be maintained on an endless alert for the moment of operation that may never come.

Mr. President, this treaty could possibly be the first step toward peace, but it could more likely be a first step toward piercing America's military shield that has protected the free world for nearly 20 years. The treaty does not guarantee the direction of this first step.

If this could mean a guaranteed peace or even a first step toward guaranteed peace, I would be for it.

I am reminded of a former slogan of an American industry, "The priceless ingredient of every product is the honor and integrity of its maker." Ladies and gentlemen of the Senate, this treaty does not have that priceless ingredient.

I am frank to say I am troubled, worried, and skeptical, along with millions of others of our countrymen. We will be tied by honorable intent, and the enemy who has promised to bury us will be free to violate the treaty because of no code of honor. They already excel in atmospheric atomic power, and with their slave labor, they will excel in other dimensions. America has learned that the best insurance against war is preparedness for it.

The treaty contains not one iota of the quid pro quo that constitutes the moral strength of any treaty. It does certainly include a give-and-take—the Soviets taking the advantages given by the United States.

The Air Force Association, opening its annual convention in Washington Wednesday, said the treaty would impose "unacceptable risks to the security of the Nation and the free world."

I am sure my colleagues are aware of the Air Force Secretary's reaction to the association's stand. Mr. Zuckert renegeed in anger on an association-sponsored reception in his honor. As we seek the truth on this question, it is proper to ask whether the Secretary's mind is so closed that he cannot believe others act from as honorable a motive as he.

A story from the Washington Post contains additional comments on the association's stand. I ask unanimous consent that it may be printed in the Record at the conclusion of my remarks.

**THE PRESIDING OFFICER.** Is there objection to the request by the Senator from Wyoming? The Chair hears none, and it is so ordered.

(See exhibit 1.)

**MR. SIMPSON.** Mr. President, we have seen the report of the Senate Preparedness Subcommittee. We are aware of its contents. We are aware that the questions raised by that pessimistic statement cannot be satisfied in the present language of the treaty.

We have heard expressed the fears of competent American scientists, and all of us here realize that the treaty is poorly drafted and replete with ambiguities. Senators who apparently plan to vote for ratification, nevertheless, have not hesitated to express their reservations. They hesitate to actually propose changes in the treaty's composition due to the unfounded fear and the continuous assertion that an amendment is a rejection. I have attempted in these remarks to dispel that false trepidation.

Americans are taught to believe in the power of positive thinking and the open mind, but as noble as is that philosophy, it cannot be the touchstone for treaty discourse. Nowhere in Senate debate is the jaundiced eye and the negative approach more important than in the matter of treaties. Unlike a criminal trial, a treaty must be assumed guilty until proven innocent. Protagonists are charged with the task of proving the treaty's worth to the United States. The

burden is entirely upon the proponents. They must build their house on demonstrably sound logic and with unquestionable proof that this treaty—that any treaty under discussion, whether it be the banning of nuclear tests or the establishment of fishing agreements—will act in the interests of the United States and our constitutional form of government.

The advice of the Senate was not sought in advance of this proposed treaty. The negotiations were done in secret in the capital city of the Soviet Union. None of our nuclear or military experts participated. Communication with the Senate was withheld until the language was an accomplished fact. Now we are asked to give our carte blanche endorsement of the verbiage. This is something that we must not do. This treaty must be altered, and it is the responsibility of the Senate to see that it is.

There have been a number of suggestions, including those by the Senator from Louisiana [Mr. LONG] and the Senator from Arizona [Mr. GOLDWATER]. I may offer this week or next reservations in the hope of making the agreement more palatable. I may also join with the Senator from Arizona in his efforts to make the treaty contingent on Soviet troop withdrawal from Cuba. That would be one tangible indication of Soviet sincerity and at least one sign of the reciprocal accommodation that is now totally lacking in the proposed accord.

If the treaty cannot be altered to better respect the vital interests of the United States, I intend to vote against its ratification.

I pray to God that my colleagues will do likewise.

#### EXHIBIT 1

(By John G. Norris)

The Air Force Association, opening its annual convention here yesterday, strongly opposed ratification of the test ban treaty and sharply criticized the Kennedy administration defense policy.

A policy statement, prepared by the AFA board of directors and approved by the convention after limited discussion, said the limited nuclear test ban agreement would impose "unacceptable risks to the security of the Nation and of the free world."

Members said there was a considerable fight within the AFA board of directors over the association's taking a direct stand opposing the treaty at a closed meeting Tuesday night.

#### AMENDMENT DEFEATED

A move was made within the board of directors, an AFA spokesman said, to amend the policy statement so the association would merely warn that the test ban involves "grave" rather than "unacceptable" risks. It was defeated by a 3-to-1 vote, the spokesman said.

About one-third of the AFA's members are in the active Air Force. Most of the rest are retired and former USAF personnel and defense industry officials. Active Air Force officers and men cannot vote, but the association usually reflects Air Force views.

The AFA policy statement declared that "until recently" the "keystone" of U.S. defense policy had been maintaining a clear superiority of nuclear striking power.

#### STALEMATE FEARED

"Now the pursuit of nuclear superiority is being replaced by the pursuit of a nuclear stalemate," the AFA declared.

It said that manned aircraft systems are being abandoned in favor of underground and underwater missiles and that the "stated official hope is that the Soviet Union will similarly recast its own strategic forces."

Such opposing missile forces, the AFA said, nullify each other—unless Russia breaks the stalemate by secretly achieving a breakthrough in strategic nuclear weapons—and the world balance of power will revert to conventional military forces.

"Adherence to a policy of nuclear stalemate," the AFA policy statement went on, "is an open invitation to Soviet aggression on terms which the free world cannot meet and is not prepared to meet."

America's European allies, it was said, are reluctant to follow the U.S. lead in bolstering conventional forces for fear it would bring acceptance of the concept of nuclear stalemate and accompanying political pressure to drop tactical nuclear weapons for fear of escalation. They said, the AFA said, that such a conventional war with Russia would be fought in their homelands.

To support U.S. conventional forces capable of meeting those of Russia, it was asserted, would mean "immense numbers of men and huge sums of money" of almost World War II size over an indefinite number of years. "Most unpleasant of all," the AFA declared, this would require draft calls of wartime size.

In its across-the-board criticism of American military policy, the AFA called for a greater military space effort, and the development of advanced bombers and aircraft interceptors "to avoid a dangerous over-reliance on missile systems."

#### DISLIKE SUBSTANCE, PRESENTATION

In explaining its stand against the test ban treaty, the Air Force Association said it was troubled both by its substance and "the manner in which it has been thrust upon the Congress, our military leadership, and upon the American people."

Military leaders, it said, are in disagreement about the technical and military risks involved in the treaty.

As for the political advantages which the administration has said outweigh any military risks, the AFA said, these apparently amount to no more than "the vague expectation that the United States will now be able somehow to transact business on easier terms."

"Whenever a nation limits its freedom of technical initiative in any important field, its security is endangered," the statement concluded. "It is our conviction, therefore, that even if the promised safeguards should materialize, ratification of the proposed test ban would entail unacceptable risks to the security of this Nation and the free world."

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield to the Senator from Nebraska.

Mr. CURTIS. Not in a long time have I heard a better prepared speech, which contained more sound reasoning. The Senator has added much to the enlightenment of the Senate and of the country in the speech which he has made on this treaty, and I commend him.

Mr. SIMPSON. I thank the Senator for his kind remarks.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. THURMOND. I commend the able and distinguished Senator from Wyoming for the masterly address he has made today against the nuclear test ban treaty. I hope every Senator will take occasion to read this address. It is a very penetrating statement, and should be helpful to any who have not made up their minds.

The Senator from Wyoming is a true patriot and a great American. He has made a fine impression among the Members of the Senate since he came to this body. I commend him for the outstanding address he has made today.

Mr. SIMPSON. I thank the Senator from South Carolina. He is overkind and overgenerous in his remarks, but I appreciate very much its flattery.

Mr. ELLENDER. Mr. President, the pending test ban treaty should be viewed against the background of the last 15 years of our foreign policy. If placed in its true perspective, the treaty must be framed, surrounded, and pointed up by the continuing chain of events we have come to know as the cold war.

It is generally agreed that the Berlin blockade in 1948 ushered in the era of the cold war, and so far our foreign policy planners have not been able to phase it out. We are all well aware of the drama staged in the air corridors between our bases in West Germany and West Berlin. There is no need to dwell on the heroism and frustration that marked those many weeks and months. In one form or another, American boys have been called upon to display that same brand of heroism, and have met with the same type of frustration in almost every year thereafter and in almost every part of the world.

But the Berlin blockade set another precedent aside from that of frustrated policy. The blockade, as well as the resulting airlift, was an American undertaking, executed and paid for almost entirely with American dollars. There was, of course, good reason for that in 1948 because what was left of free Europe lay in ruins. The Marshall plan had not yet begun to take effect. There was no one around to pay the bills and supply the men, planes and material except the United States. The military cost to us amounted to \$229 million and we paid it ungrudgingly. We realized that what was good for West Germany and what was good for free Europe was also good for America.

This operation seems to have set a precedent. Indeed, it set two precedents which we were to follow almost religiously through the intervening years. When Stalin blockaded Berlin, we first conferred with our Allies—with France, Great Britain, and, I presume, with West Germany. When a plan of action had been agreed upon, that plan was put into effect and the bills were paid by Uncle Sam.

Since that Berlin blockade, which marked the beginning of the cold war, we have paid bills amounting to a grand total of \$629 billion in the military defense of the free world, of which \$31 bil-

lion was direct military assistance. This overall figure also includes the following military costs:

[In millions of dollars]	
Berlin airlift, 1948-----	229
Korea-----	18,000
Lebanon, 1959-----	120
Taiwan, 1959-----	78
Berlin buildup, 1961-62-----	3,247
Callup of 2 National Guard divisions-----	419
Support of U.N. operations in the Congo through Dec. 31, 1962-----	54
Cuba, 1962-63-----	185

These figures represent the direct dollar cost of the military operations which the cold war, and the protection of the free world, and especially our European allies, forced upon us. Now, should we add the economic aid, as well as the gifts and sales of our surplus commodities, the total expenditure would be in excess of three-quarters of a trillion dollars, or over \$750 billion.

In 1947, the British had pulled their forces out of Greece, leaving that country to stand alone before the onslaught of Communist guerrillas. In keeping with our policy, we stepped in alone to fill the void. The advent of the Truman doctrine in Greece was to mark the first of the nasty little brush fire wars that we have become involved in all over the world at considerable expense, and invariably alone. Indeed, if there is one feature which marks each of our involvements in the farflung trouble spots over the last decade and a half, it is the number of times we have found ourselves fighting alone in defense of the entire free world.

There are other times when our allies are more than willing to stand side by side with us, however, and I shall develop this point later as it relates to the test ban treaty and the benefits we seek to draw from it.

The next of the brush fires, or what some choose to call police actions was, of course, Korea. This conflict cost our country an estimated \$18 billion, and thousands of American boys killed and wounded. There are some who call this war a U.N. action, but it was a U.N. operation more in name than in reality. Here again we put up by far the greatest portion—over 90 percent—of the men, money, and material involved on the side of the free world.

And what do we find in Korea today? Whom do we find standing beside the 2½ divisions of American boys we maintain there? There are the Korean divisions we have trained and supplied, of course. But I am informed that except for these, the so-called U.N. peacekeeping operation is staffed by less than 350 military men from other nations. To add insult to injury, we finance the logistical support of these troops, with the exception of two Brits, two Australians, and two Canadians. In other words, just enough are kept on hand to allow it to be said that Korea is still a U.N. operation, rather than American, as it is in fact. Korea is still costing us over \$500 million per year, aside from the cost of maintaining our own forces there.

And then, from Korea, we move to Taiwan, Formosa. Who is assisting to maintain this outpost? Who has helped

to pay Chiang Kai-shek's bills from the beginning, and who is doing it today? The answer, of course, is that we have been and we are still. And we are there alone. Yet, obviously, Formosa is important to the free world. At least, we think it is, but to look at the contributions of our erstwhile allies one would never think so. To date, our expenditures in Formosa have amounted to \$4.5 billion.

The current picture in Vietnam is much the same. Over 12,000 of our men are now serving, advising, and dying in that unfortunate corner of the world. The bill mounts up at the rate of a million dollars a day, we are told, and our costs to date are in excess of a half billion dollars. What price tag can be put on the lives of our American military men, numbering over 100, which have been lost in Vietnam, a place where we have no trade, commercial or historical ties, and where we should not have become involved in the first place?

The security of the free world depends upon the security of South Vietnam, so our planners say. There is no doubt some truth in this. But the so-called free world is composed of many other nations besides the United States. Where are they? The grandstand is filled with nations hoping against hope that we will win the struggle, but very content to sit clapping their hands.

Without mentioning the other countries of southeast Asia, where we have gone to a great deal of trouble and expense to create little armies in the hope of containing communism, but where we know full well that if trouble breaks out we will have to step into the fray ourselves, let us turn our attention to the situation in Western Europe.

In Europe we find 400,000 of our men stationed to maintain the status quo, as bars between Western Europe and the claws of the Russian bear. Our military bases dot the landscape, and our dollars make up an important part of the European economy. Yet how much aid are we receiving here, where we are plugging the mouth of the cannon with our men and machines? Our friends are very happy to have us on their shores. They welcome us with open arms. "But please don't ask us to put up any of the cost; we cannot afford it," they say. So we bear the burden alone.

And actually why should they offer to assume a part of the expense, so long as we do not insist that they do so? Their present policy represents good business; as long as America is willing to pay and pay, as long as we do not insist that the picture be changed, Mr. President, you may rest assured that it will not be.

I have described one of the precedents set by our action during the Berlin blockade—the fact that when trouble breaks out anywhere in the world, it is we, and we alone, who step in and do what must be done. When brushfire wars start, we sometimes attempt to obtain assistance from our prosperous allies, but with little success. Almost without exception we find them saying, "That is your baby; go and take care of it. Don't worry, we'll be pulling for you. Good luck."

The Berlin precedent has remained unchanged, although the economies of our allied countries have grown strong and prosperous and they are well able to do their share. But I earlier mentioned another precedent which keeps company with the first. When it comes to dealing with Russia, our allies have taken the attitude in the past of "do nothing unless you consult us." This was also a precedent of the blockade and it has been respected with varying degrees of faith ever since. It was best and most recently illustrated when we found it necessary to go running to West Germany to assure Bonn that the treaty implied no recognition of East Berlin.

But the treaty itself represents to me a break with this precedent because we did not get the consent of France, of West Germany, or Italy before signing on the line. To me this is a healthy indication, and I hope it is carried forward in our future foreign policy. I have long felt that it was next to impossible to get the major powers of Western Europe to agree on anything of substance. And I have asked the question: "Why should we let this fact of life tie our hands so securely?" I have consistently advocated that as long as our shoulders are bearing the burden of the free world, we should deal directly with Russia in an attempt to ease the tensions and soften our burdens.

Thus far, I have attempted to place the treaty in the framework of the cold war. I have shown how the events of the past 15 years, and our attitude toward them, have drained our national substance and the lifeblood of our economy. The effect it has had on our balance of payments and our gold supply is well known. It can be safely said that the cold war has seriously weakened the American giant; at the same time, its effect has been to greatly strengthen our European Allies.

For the last decade and a half we have been trying to fight communism by preventing its spread, but with only small success. So long as we bear all the expenses, as is the case now, the ones to benefit will be our allies. While we have been protecting them militarily, they have been busily building up their economies until they are now in a position to hurt us in the markets of the world.

And while we protect them from the hated Communists, our allies are maintaining trade with Russia and her satellites in excess of \$5 billion annually. We are told that they are vigorously trying to expand that trade, while we are acting as the guardians. To my mind, this is a strange set of affairs.

If the Senate should fail to ratify the test ban treaty, it appears to me we face two alternatives, and either will be destructive of our way of life. We may eventually drift or be forced into a nuclear war with Russia, or we will go broke attempting to maintain the status quo indefinitely. Does any intelligent person believe we can continue to pour out between \$50 and \$60 billion per year for any length of time without doing violence and much harm to our economy and our way of life? I for one do not.

I have stated that the treaty in itself does not offer too much hope. It is of



major importance, however, in that it breaks the precedent of our having to obtain the consent of our allies before negotiating with Russia. It is also of importance because of what it may lead to in the future. It may lead to a first step that will result in a real thaw of the cold war. It may lead to the dispelling of the fear that presently exists between us and Russia.

It appears that there is a great deal of misunderstanding about the treaty among the public. I know this is true in my own Louisiana, and I suspect it is true throughout the Nation. To help clarify the matter, I would like to take a moment here to discuss the main points of the treaty, and comment on each of them. I must apologize for doing this, because many Senators who preceded me discussed the subject. I wish merely to repeat what may have been said, only for emphasis.

In article I the original signers—England, the United States, and Russia—agree to refrain from testing any nuclear device in the atmosphere, outer space, or underwater. The treaty also stipulates that the signers will refrain from underground testing if these experiments will cause the spread of radiation beyond the nation's borders.

The Senate has been repeatedly assured by our experts that atomic explosions which occur above the surface of the earth can be effectively detected and pinpointed by our scientists and that there is little danger such testing can take place without our knowledge.

Underground experiments, of course, are much more difficult to detect. Negotiations over suitable means to guard against and detect underground nuclear explosions have dragged on for years, beginning with the Eisenhower administration. While it is true that Russia may test nuclear devices underground if she chooses, it is also true that our country will be able to make continued use of our extensive and well-developed underground testing facilities. It is my hope and expectation that we will continue to use our underground facilities to develop more and more peaceful uses of atomic energy.

Article I of the treaty also contains another very important point, for here the signing nations agree to refrain from participating or aiding in any atomic testing which may be carried out by any other nations in the world.

I have long been disturbed that atomic capacity would spread throughout the world—into the political boiling pots of the Middle East, for example—and it would be only a matter of time before catastrophe overtook the world.

Article II provides that amendments to the treaty must be approved by a majority of the signing nations, but no amendment may be adopted without the approval and vote of England, Russia, and the United States. This gives us a safe veto power to protect our future interests.

As a final point, article IV of the treaty provides that any nation signing the treaty has the right to withdraw at any time, and requires only that notice of an intent to withdraw be given to other nations 3 months in advance.

In this regard, it should be pointed out that this provision will act to safeguard the interest of all concerned. But it is even more important to remember that should the treaty be broken by Russia, we could withdraw from it immediately, rather than 3 months hence.

The above summarizes what I believe to be the main points of the treaty document. I am receiving protest mail to the effect that, based on past experience, we cannot trust the Russians to honor treaties and agreements. There is much truth in this, but this treaty is not based on trust. It is simply an agreement to stop testing nuclear weapons in the atmosphere or underwater for the sake of our children and our children's children. If the terms of the treaty are broken, our scientists will know of it, and this fact has been stressed by a preponderance of the expert testimony before the committees of the Senate. And if the treaty is broken by Russia, it will no longer be binding upon the United States. Meanwhile, we have been assured that our guard will be kept strong, and preparations will be maintained to insure the immediate renewal of testing by us should there be a violation.

I sincerely believe that the document contains ample safeguards to adequately protect the interests of our country. If I did not so believe, I would do my utmost to defeat ratification.

Mr. President, this is not my first attempt to argue in support of the limited test ban treaty. For many years I have been supporting the idea of such a treaty, and the benefits which this country and the world may expect to gain from it. In a radio address which I delivered before the pending treaty was initiated in Moscow, I believe I was one of the first Senators to go on record in favor of it.

Indeed, I first took this position in 1956, after my return from an inspection tour of Russia on behalf of the Senate Appropriations Committee. During that tour I spent many days traveling within the boundaries of the U.S.S.R. After my return, I submitted a lengthy and documented report of our operations abroad, which contained several succinct recommendations as to what future course our policy should assume, especially in regard to Russia.

Although I did not mention a test ban treaty specifically in that 1956 report, I believe it is plain that I was looking toward the benefits which we may derive by dealing directly with Russia. At that time, and on other occasions, my efforts and recommendations were either ignored or roundly criticized. The record will show, however, that I have held this position consistently for many years.

The question has arisen, why did the Russian leadership, which refused so long to consider a test ban treaty in any way, shape, or form that they thought we might accept suddenly decide to sign the document under discussion? With all due respect, I believe a partial explanation can be found in my comments of 1956, 1957, and 1961 pertaining to Russia.

After pointing out that my experience in Russia had led me to believe that the Russian educational system offered the greatest hope for ultimate Russian freedom, and that education was causing the

people to think more for themselves, I said it would soon prove more and more difficult for the Russian leaders to hold the people in line. I based this on the fact that educated Russians with whom I spoke were extremely inquisitive about our way of life. Even more important, they demonstrated a desire, if not a compelling urge, to go behind catchy Red slogans, and to do their own thinking.

I went on to express the belief that as the Russian population became more educated, they would become less prone to accept at face value the grossly distorted description of life in the United States which the propaganda system drones insistently and consistently into their ears.

The production of propaganda, of course, is an extremely sensitive and dangerous art. The propagandist can never be sure when the course of events may turn his words on him with the force of machinegun bullets. In 1956 and 1957, I predicted that this was likely to happen in Russia. I believe it is in fact what has happened. This is extremely important, for in my opinion, it does much to answer the question of why the sudden turnabout of the Russian leadership on the test ban treaty.

Take the increasing education of the Russian citizenry, add to it the intellectual curiosity which such education brings, and then pour into this mixture the output of a propaganda machine which is consistently and insistently preaching "peace, peace, peace." The mixture will begin to boil and bubble and spell trouble for any leader, no matter how strong and how well insulated from the popular will, who refuses to act realistically to avoid war.

I found this passage on page 12 of my 1956 report:

As a matter of fact, the Russian leadership has done much to make any effort on its part to generate a warlike spirit extremely difficult. Throughout the countryside were posters bearing the legend: "Peace." The Russian radio repeated the message that Russia desires only peace. The Russian people have been conditioned to expect peace, and I feel it will be extremely difficult for Soviet leaders to plunge them into a major conflict without creating fearsome conditions within the U.S.S.R., conditions which could perhaps result in a violent reaction among the Russian people.

Similar passages, I might add, are found in each of my subsequent reports which deal with the U.S.S.R.

The fact that this treaty has come into being at all is evidence that the change I predicted is taking place. I believe the time is now ripe for the fuller implementation of the policies and recommendations I have been advocating for a number of years.

We must have a greatly expanded exchange program, and we must do everything possible to increase the person-to-person contact between the citizens of America and Russia. We must learn that we cannot fight communism by pretending it is not there; we cannot defeat it by vilification.

I do not fear that our American citizens will become contaminated by the evils of communism. I have more faith in our people and our way of life than that. I have seen more of Russia and the way the Russian people live under

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communism than perhaps any other Senator and all but a few American citizens. The more I see of it, the more I abhor it. At the same time, I realize that communism has given to the Russian people a far better way of life than any they have known in the past.

New ideas are working in the minds of the Russian people. Visitors to the West have seen our way of life, and have returned home to wonder why it is that they and their families cannot have more of the good things Americans and Europeans take for granted.

This wonderment is what we must encourage in the years to come. I have here a newspaper article from the Washington Post, dated September 10, 1963, telling how the newspapers in Russia are commenting more and more on the shoddiness of the consumer goods, and demanding that the quality and amounts of these goods be improved.

We have also had reports that much of the Russian production is being boycotted by the people, who are demanding more and better things. Who ever heard of such events taking place in the U.S.S.R. as little as 5 years ago?

Mr. President, I ask unanimous consent that the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. ELLENDER. Mr. President, as a final point, let me say once again that I hope the precedent set by this treaty—a precedent which allows us to deal directly with our most formidable enemy—will become a continuing part of our foreign policy. It cannot help but work to our benefit, and it is plain to me that we cannot spend the next 15 years as we have spent the last. Perhaps the treaty will prove to be an opening through which we can move to a better world.

I have no doubt that it will have the effect of dispelling much of the fear that has existed between us and the Russians over a long period. Let us not take steps that will instill more and deeper fears among the Russian people by refusing to ratify a document that we were instrumental in bringing into being. Since 91 or more nations have already affixed their signatures to the document, it would be calamitous for us not to ratify.

#### EXHIBIT 1

[From the Washington (D.C.) Post,  
Sept. 10, 1963]

#### LACK OF QUALITY IN GOODS CITED BY RED PRESS

(By James Hoge)

The Soviet press, docile on most matters of state, is proving a scrapper when it comes to criticizing the quality of domestic industrial and consumer goods.

Government officials here, responsible for keeping tabs on Soviet newspapers, have noticed a steady barrage of criticism aimed at all kinds of goods, from shoes to tractors.

When compiled, these accounts make the Soviet economy appear as one huge Rube Goldberg machine, turning out faulty products with maddening regularity.

Certainly the compilation will prove interesting reading for Western businessmen, tempted by the Soviet drive to increase its exports.

#### EXAMPLES CITED

And the stories give a partial answer to the Soviet bloc's inability to boost trade with developing countries. The bloc commands only 5 percent of the total foreign aid turnover of nonindustrial regions.

Consider for a moment these experiences related in the Communist press:

Of 5,000 pairs of shoes prepared in Hungary for export, 4,200 were found unusable.

In Bulgaria, consumer complaints about a lack of shoes were met with this explanation from the state-controlled industry:

"The hammer and sickle plant didn't supply its annual quota of 800,000 pairs, and we had to reject another 350,000 pairs because they weren't any good."

In Moscow, two types of cameras were put into production just as they were being retired in Czechoslovakia for being obsolete.

And in Rumania, a Bucharest newspaper reported the misfortune of a citizen named Ionu Balcu, who bought a camera with a shutter that jammed instead of clicking at the appropriate moment.

Two attempts to have it repaired produced no improvement. A month after returning it for the third time, Balcu was told by the store manager: "We can do nothing, there are several component parts missing from the mechanism of the camera."

"But I paid for it," Balcu protested. "What can I do with a camera like this? I can't use it for a salt shaker."

"You are to demanding," the store manager replied. "You should be content that you have a camera at all."

Potential tenants of new apartment buildings meant to ease Moscow's housing shortage better be good at climbing stairs. Elevators aren't very reliable, according to Vechernaya Moskva, one of the city's newspapers.

While investigating one new building, the paper found, "to goad the elevators into movement (and not always successfully), the tenants have to jump up and down and go through a complicated routine of other gymnastic exercises."

"For the tenants of another house, the eight-story No. 2B on Novovostankinskoye Street no amount of jumping produces any effect. Whether they jump or not, the lift remains immovable."

#### TROUBLE BEGINS AT HOME

But it is inside the Russian home that trouble really begins. Light bulbs are notoriously poor. One paper reported that it is common for bulbs to burn out immediately, explode, or go dead within 2 weeks.

A check of one light bulb plant found that 17½ percent of the finished goods was defective.

A Moscow firm turned out an electric iron that was red hot on one side and ice cold on the other.

A Kiev enterprise marketed a paint that wouldn't dry.

And a Minsk factory manufactured such defective TV sets that the picture tubes consistently broke before the sets ever left the plant.

Pravda reported that of five transistor radios tested, none avoided a quick breakdown. Once that has happened, Pravda added, one might as well discard the sets, because repair shops can't fix any of them, there being no spare parts.

The production of industrial equipment is apparently no better than consumer goods. There are innumerable accounts of tractors that fall apart, generators with missing parts and machine tools that are badly designed.

The general picture is one of an industrial complex that is rife with inefficiency, carelessness, and bad planning. In many sections of the economy, there are obvious deficiencies in the durability, performance, and design of goods and in the availability of spare parts.

Mr. HUMPHREY. Mr. President, I compliment the distinguished senior Senator from Louisiana on his address. I particularly commend him for his warning to the Senate and the Nation of what the effect of a failure to ratify the treaty might be in terms of future relationships between the United States and the Soviet Union.

It is well recognized in the Senate that the Senator from Louisiana has given much of his time and attention to a study of the Soviet Union, its economy, and its political structure, and that he has an understanding and knowledge of the political leaders in the Soviet Union.

I was pleased that the Senator reminded us once again that the Soviet Union, like other areas of the world, is subject to change, and that changes have taken place. He has reminded us of the impact of education. I well recall that part of his report in 1956-57.

It seems to me that his support of the treaty is highly significant, because the Senator from Louisiana is known as a practical, sound, and tough-minded political leader. He is not given to over-emotionalism or to soft thinking. It is well known that on some occasions the Senator from Louisiana and I have disagreed; but it is also well known that on many occasions that we have agreed; and I am very much pleased that the Senate can listen to the observations of a Senator who has served on so many of our committees, and who surely cannot be accused of softness toward any form of totalitarianism. He has given very thorough and very thoughtful consideration and study to all the implications of the treaty.

I believe the statement of the Senator from Louisiana will be of great help in resolving the doubts some persons may have, and in encouraging others to take a forthright position on this highly important matter.

I wish to commend the Senator and to tell him that I regard it a privilege to have been in the Chamber at the time when he made his statement. I find myself in agreement with a great deal of what he has said.

Mr. ELLENDER. I thank the Senator.

Mr. HUMPHREY. Mr. President, a short time ago the Senator from Wyoming [Mr. SIMPSON] addressed the Senate. At that time I was unable to engage in colloquy with him; I had to leave the floor for a moment; and when I returned, he had completed his address.

After I returned to the Chamber, I told the Senator from Wyoming that I wished to make a comment or two on one or two portions of his address, and that my comments would be related to certain testimony which had been taken before certain Senate committees.

The Senator from Wyoming said:

The advice of the Senate was not sought in advance of this proposed treaty. The negotiations were done in secret in the capital city of the Soviet Union. None of our nuclear or military experts participated. Communication with the Senate was withheld until the language was an accomplished fact.

Mr. President, I merely rise to state what I know to be the factual record.

First of all, the great general who is Chairman of the Joint Chiefs of Staff, Gen. Maxwell Taylor, has testified—and his statement has been placed in the Record several times—that all during the negotiations in Moscow, he, as Chairman of the Joint Chiefs of Staff, was kept fully informed as to the negotiations and as to the language of the treaty; that this information was made available, by cable, on a regular basis; and that he, in turn, discussed these matters with the chiefs of the other military services.

General Taylor, as Chairman of the Joint Chiefs of Staff, told us that he was in consultation with the President of the United States during the negotiation of the treaty, and prior to the Harriman mission. He told us that he had been consulted by the President with reference to the instructions that were to be given to Secretary Harriman when Secretary Harriman was first dispatched to Moscow to carry out, for this country, the negotiation of a nuclear test ban treaty.

Dr. Seaborg, Chairman of the Atomic Energy Commission, has repeatedly told Senators in the Joint Committee on Atomic Energy, in the Committee on Armed Services, and in the Committee on Foreign Relations—that he, as the responsible Chairman of the Atomic Energy Commission, was one of the principals in working with the President of the United States in the designing of the treaty and in the instructions to Mr. Harriman, the U.S. negotiator in Moscow.

In fact, the development of warheads and the development of our whole nuclear arsenal is, in the main, the responsibility of the Atomic Energy Commission, of which Dr. Seaborg is Chairman.

Dr. Harold Brown, the Director of Defense, Research, and Engineering, of the Department of Defense, also was consulted on the language of the treaty, the implications of the treaty, and the impact of the treaty upon the national security, before the treaty was ever negotiated, or before it was even sent to Moscow.

The Secretary of State and the Secretary of Defense were also consulted, as was Mr. Foster, the Director of the Arms Control and Disarmament Agency. In fact, any matter of this sort and of this importance is the subject of many consultations, many meetings, and much discussion among the President and his principal advisers—military, economic, and scientific—and, of course, among the members of his Cabinet.

I say this as chairman of the Subcommittee on Disarmament of the Senate Committee on Foreign Relations, because repeatedly the officers and officials to whom I have referred, or those who have occupied similar positions, have testified before that subcommittee, starting in 1956, and continuing in 1957, 1958, 1959, and up to the present time.

Mr. President, the treaty before us is similar to one of the proposals tabled at Geneva by the U.S. mission, on August 27, 1962. Two treaties were tabled

there by our representatives. The first was a comprehensive treaty to ban all nuclear tests in all environments—underground, underwater, outer space, and in the atmosphere. It was a comprehensive treaty which would have prohibited all nuclear weapon explosions in all environments, provided there was atomic inspection, surveillance, and monitoring, including on-site inspection. As we know, that treaty was the subject of months of negotiation but to no avail.

The second proposal tabled at Geneva on August 27, 1962, was a treaty in the nature of the one we have before us now. We called it a limited nuclear test ban treaty; it was designed to prohibit tests in three environments—outer space, underwater, and in the atmosphere. It was the subject of months of consultation, prior to its presentation and tabling at Geneva. So let it be said that the scientific and military advisers of the Government have been consulted repeatedly. Was the Senate consulted? Indeed it was.

In fact, I say it is not true that the Senate was not consulted prior to the signing of the treaty by the representative of the executive branch. I say that on numerous occasions in 1962, the Committee on Foreign Relations, its Subcommittee on Disarmament, of which I am privileged to be chairman; the Preparedness Subcommittee, of the Armed Services Committee; and, indeed, I may add, the Joint Committee on Atomic Energy, met with representatives of the executive branch to discuss the test ban treaty negotiations and the problems raised thereby.

For example, on July 25, 1962, the Disarmament Subcommittee met with William C. Foster, head of the Disarmament Agency, to discuss the four possible U.S. positions in the current disarmament conference. I have before me the testimony taken from July 25 through August 2, 1962; it is printed under the heading "Renewed Geneva Disarmament Negotiations—Hearings before a Subcommittee of the Committee on Foreign Relations, U.S. Senate, 87th Congress, 2d Session."

I am quite familiar with this document, inasmuch as I presided during every minute of the hearings. On page 4 of the printed hearings appears an item entitled "Four possible U.S. positions on the disarmament conference."

Position No. 1 is the April 1961 treaty, as modified.

Position No. 2 is the proposed treaty banning weapons tests in the atmosphere, outer space and underwater—a treaty similar to the one now before us.

Positions 3 and 4 related to variations of those two treaties.

Mr. President, on August 2, 1962, the committee met with Ambassador Arthur Dean, who was our chief negotiator at Geneva. He dealt with such questions as our ability to trust the Soviets in the context of a limited test ban treaty. That testimony is also in the same document to which I have referred.

I have a document before me entitled "Arms Control and Disarmament Hearings Before the Preparedness Subcommittee on September 17, 18, and 19."

On September 17, 1962, the Preparedness Subcommittee met with Mr. Foster, the Director of the Arms Control Agency, who presented drafts of the limited treaties offered in Geneva on August 27, 1962, which, it is admitted by every Senator, was the basis for the present treaty.

It is quite obvious that the executive branch consulted not only on the language of the treaty now before the Senate, but as the treaty was being developed stage by stage. Several draft treaties, as they were being developed, were amended, altered, and adjusted during the processes of the negotiations.

On September 17, 1962, Mr. Paul Nitze, Assistant Secretary of Defense, appeared and was questioned at length by the Preparedness Subcommittee on August 27, 1962, on the limited nuclear test ban treaty, which is the body and substance of the treaty that is before the Senate.

The primary difference between that draft treaty of August 27, 1962, and the one before the Senate is that this treaty provides for an easier procedure for withdrawal from the obligations of the treaty, which procedure was asked for by the Joint Chiefs of Staff. That within itself indicates that the military officials were consulted on the language of the treaty.

The treaty before the Senate was changed from the August 27, 1962, draft at the insistence of the Joint Chiefs of Staff, who desires a more flexible withdrawal provision. The President of the United States, listening to the advice and counsel of his military advisers, made the change in the language of the so-called withdrawal article of the treaty.

The second provision that was changed after consultation with our scientists and military officials was the so-called plowshare program—the so-called testing for peaceful purposes. Why? Because there was a suspicion on our part that the Soviets might cheat under that provision. They likewise were suspicious that we might cheat and that nuclear explosions that were described as being for peaceful purposes might well be for military purposes. So the treaty eliminated that particular provision.

I point out that on September 12, 1962, Dr. Franklin Long, Assistant Director of the Bureau of Science and Technology of the Arms Control Agency, presented a statement on the technical difficulties of policing the limited test ban treaty without on-site inspection. He made that presentation before the Senate Committee on Foreign Relations. It was my privilege to preside at those hearings.

On August 11, 1962, Secretary Rusk appeared before the full Committee on Foreign Relations and was questioned at length by the Senator from Minnesota and others on the so-called draft treaty proposal for a limited test ban treaty.

Those are only a few examples of the consultations that have taken place between the appropriate committees of this body and the executive branch.

In the 88th Congress, on Monday, March 11, 1963, test ban negotiations and disarmament were the subject of hearings before the Committee on Foreign Relations. The chairman of the committee, the Senator from Arkansas



[Mr. FULBRIGHT] called for the hearings. He turned the hearings over to the senior Senator from Minnesota, who is chairman of the Subcommittee on Disarmament, and we heard from Dean Rusk, the Secretary of State, and from Adrian S. Fisher, Deputy Director of the Arms Control Agency. We questioned those distinguished public servants at length on the proposals that our Government had tabled at the Geneva disarmament conference, namely, the comprehensive test ban treaty and the limited nuclear test ban treaty.

I believe that the argument of the Senator from Wyoming [Mr. SIMPSON]—namely, that the advice of the Senate was not sought in advance of the proposed treaty; that the negotiations were done in secret in the capital city of the Soviet Union and that none of our nuclear and military experts participated; and that communications with the Senate were withheld until the language was an accomplished fact—cannot stand the exposure of the testimony and the facts before the Senate and the appropriate committees of this body.

Finally, before the treaty was even initialed, the Secretary of State, Hon. Dean Rusk, appeared before the Senate Committee on Foreign Relations with the treaty language that had been discussed in Moscow. That was before Mr. Harriman had initialed the treaty. That was several weeks before the treaty was signed. The Secretary of State, in executive session, took up the language of the proposed treaty word by word, line by line, and explained to us what he thought it meant. He asked us for our advice and counsel.

As a result, changes were made in the treaty. One change that was made was that there would be no requirement for all of the instruments of ratification to be deposited in the three capitals of the principal countries. That is why we do not accept the East German document of ratification. That has been deposited in the Soviet Union, not here. The original language might have permitted that document to be deposited here. Senate committees asked that that language be changed; and asked for other changes. We were consulted.

Let the record be clear. Individual Senators with heavy responsibility in this body and in the Committee on Armed Services, the Joint Committee on Atomic Energy, and the Committee on Foreign Relations, were consulted daily by responsible officials of the executive branch.

Some were consulted and advised by the Secretary of State. Others were consulted and advised by Mr. William Foster, Director of the Arms Control Agency; by Mr. Adrian Fisher, Deputy Director, or by one of the Assistant Secretaries of State. We were kept constantly advised of what was going on in Moscow. Furthermore, there were items in the newspapers. Secret negotiations? While it is a fact, of course, that some of the private discussions were kept private, daily the American people were informed of the negotiations that were going on. The basic substance of the treaty was well known before the official language was revealed.

Finally, after Mr. Harriman had initialed the treaty in Moscow on behalf of the United States, we were again advised as to the text of the treaty.

So there have been no secret negotiations, no side deals, no lack of communication. The Senate was advised. Senators were kept informed. Military and scientific officials were consulted. The Joint Chiefs of Staff, our atomic scientists, and our military specialists were consulted.

I believe the record speaks for itself.

I know it is late. I am as tired as any other Senator. I do this tonight because so many doubts have been raised. It seems to me that when these doubts and uncertainties—some of them sheer "strawmen"—rear up, it is necessary to meet the doubts head on with the testimony, the facts, and the evidence.

If one has no facts and no evidence, the doubt gains validity. If a strawman is set up, and the facts and evidence are available, the strawman should be knocked down.

I do not want the CONGRESSIONAL RECORD of this debate to indicate that Senators were not consulted or kept informed. It is true that every Member of the Senate may not have been. But, under the law—under the Reorganization Act of 1946—we have placed the responsibility for surveillance over treaty negotiations, for hearings upon treaties, and for eliciting responses from witnesses relating to treaties on the Committee on Foreign Relations. That is the law, just as much as the income tax is the law.

The Senator from Arkansas [Mr. FULBRIGHT], the distinguished chairman of the committee, has fulfilled his responsibilities with honor, efficiency, deliberation, and application to duty.

Moreover, time after time, the executive branch officials asked Senators to attend, and it was necessary to tell them we had other things to do; that we were holding hearings on mutual security, and that other matters were before us.

So in this instance the executive branch, possibly with the historical memories of what happened to the Versailles Treaty, went out of its way to keep us informed.

Mr. Harriman, after having initialed the treaty, came back, before Secretary Rusk went to Moscow with a Senate delegation, and talked with appropriate committees of the Congress as to what he had initialed. It was clearly understood from the testimony of Mr. Rusk and by the testimony of Mr. Harriman before the Committee on Foreign Relations that, even though Mr. Harriman had initialed the document, if we found in that document something which should not be in it, the initialed did not compel us to accept the document for the purposes of signing it. In other words, we could change the language or the meaning.

I attended the meetings diligently. I suppose I have been involved as deeply as any other Senator in the matter of the so-called nuclear test ban treaties. Many times I have written reports or attended conferences, and been at Geneva or at the United Nations as an adviser to our delegation.

I have presided over hearings on this subject when it was not possible to get two people to come to listen, because it was an unpopular subject and nobody wished to be bothered.

I can remember when I nearly gave up in despair, because it did not seem as if anybody wished to pay any attention to this subject matter.

With the cooperation of the executive branch, the constant diligence of the Chairman of the Committee on Foreign Relations, and the interest of a few Senators, we kept abreast of the negotiations. We kept the Senate informed.

My colleagues can look at the record. I fulfilled my responsibilities as Chairman of the Subcommittee on Disarmament by reporting regularly to this body as to our discussions, our hearings, and any conclusions we could reach. That did not get any headlines. I must say, in all candor, that not only was the public not interested, but also the press was not interested. In the minds of some, it was an exercise in futility.

But I had a duty to perform, and I fulfilled that duty.

Now we are at the point where the treaty is before the Senate. I want it crystal clear that the treaty has the overwhelming support in numbers of the top military officials of the country, of scientists, and of political leaders; and that it was the result of active consultation among military leaders, scientists, Cabinet officers, and Members of the Congress.

President John Kennedy did not serve upon us an edict. What he presented to the Soviets in Moscow this past summer was the product of two administrations and hundreds of sessions of negotiations by Americans in America. It was not secret. It was testified to before the committees of the Congress.

This is a treaty that we designed. It is not a Russian treaty. It is an American treaty. It is not a secret treaty. It is a treaty which is the product of many minds, after much consultation, with many advisers consulted. It is not a Democratic treaty. It is an American treaty.

Its negotiation was conducted first by Mr. Arthur Dean, a famous lawyer, confidant of the former President of the United States, General Eisenhower.

The negotiations were conducted further by Averell Harriman, an eminent American who has gained a position in American life of respect and admiration.

There is nothing to apologize for in the treaty. The only thing we need to be concerned about is, "Will mankind have the moral integrity to abide by it?"

#### GALLUP POLL DISCLOSES 89 PERCENT SUPPORT FOR YOUTH CONSERVATION CORPS

As in legislative session, Mr. HUMPHREY. Mr. President while the Senate is debating the question of ratification of the nuclear test ban treaty, let us not forget the domestic problems that warrant the action of Congress. Surely one of the most urgent domestic matters is the continuing crisis of youth unemployment.